STACK
ANNEX
5
074
616

A
0001305226
UC SOUTHERN REGIONAL LIBRARY FACILITY

A MEMORIAL

ON NATIVE RIGHTS IN THE LAND AND ITS FRUITS IN THE CONGO TERRITORIES ANNEXED BY BELGIUM (SUBJECT TO INTERNATIONAL RECOGNITION) IN AUGUST, 1908.

"If it can be shown that the land of the Congo does possess and has always possessed —save where there is no population—Native Owners, and was always recognised as possessing Native Owners until the Edicts of 1891-2; and if it can be shown, concurrently, that wherever the Native Owners of the land had had access (prior to the Edicts of 1891-2) to European markets for the disposal of the produce of the land, either by direct or indirect dealings with Europeans, they traded freely in that produce: then the appropriation by the governing Authorities of the Congo of the land's natural wealth, on the plea that the land possesses no Native Owners, stands out as a violation of Native Law, of Native Rights, of International Law, and of elementary morality without precedent in contemporary history, and the Great Powers, I submit, cannot allow that policy to be perpetuated by the Belgian Government."

PRESENTED TO

H. M. Principal Secretary of State for Foreign Affairs,

By E. D. MOREL,
Hon. Secretary of the
CONGO REFORM ASSOCIATION.

PRICE THREEPENCE. **(Post Free.)**

APPLY TO

The CONGO REFORM ASSOCIATION, Granville House, Arundel Street, Strand, W.C.

A MEMORIAL

ON NATIVE RIGHTS IN THE LAND AND ITS FRUITS IN THE CONGO TERRITORIES ANNEXED BY BELGIUM (SUBJECT TO INTERNATIONAL RECOGNITION) IN AUGUST, 1908.

SPECIALLY
DESIGNED &
PRINTED BY
EDWARD HUGHES
& Co
WEB COURT
LONDON

INDEX.

PART I. ... ... *Pages* 5 *to* 20

In which is demonstrated the falsity of the contention advanced by the late Administration of the Congo, and by the Belgian Government to-day, that the Land of the Congo is without Native Owners.

PART II. ... ... *Pages* 21 *to* 38

A constructive demonstration of Native Rights of Ownership in Land, and utilisation of its Produce for Commercial purposes from early times until the Edicts of 1891-2.

PART III. ... ... *Pages* 39 *to* 52

In which the dishonesty and untenability of the Belgian claim to the Land of the Congo is demonstrated; in which the form which Native Ownership of Land takes in the Congo is shown, and in which evidence is produced from all over the Congo proving the existence of well-defined Native tenure in Land.

POST-SCRIPTUM TO PART III., *and* CONCLUSION... *Pages* 53 *to* 56

N.B.—The contents of each Part, with the pages indicating the references, are given in the introductory Summaries.

2107587

Part I.

In which is demonstrated the falsity of the contention advanced by the late Administration of the Congo, and by the Belgian Government to-day, that the Land of the Congo is without Native Owners.

CONTENTS.

THE PARAMOUNT OBJECT OF EUROPEAN RULE ON THE CONGO SINCE THE EDICTS OF 1891-2 (p. 7)—THE SYSTEM THEN ESTABLISHED (p. 7)—THE ATTITUDE IN REGARD TO IT, OF SUCCESSIVE BELGIAN GOVERNMENTS AND OF THE PRESENT MINISTRY (p. 7)—THE INACTION OF THE PRESENT MINISTRY AND THE REASONS FOR IT (p. 8)—THE DETERMINING FEATURES OF THE SYSTEM (p. 8)—THE BENEFICIARIES FROM THE SYSTEM UNDER THE LATE, AND THE PRESENT, ADMINISTRATION (p. 9)—THE ISSUE AT STAKE (p. 9)—IN WHAT THE DEFENCE OF THE SYSTEM CONSISTS (p. 10)—DOES THE LAND POSSESS NATIVE OWNERS OR NOT? (p. 11)—THE AUTHORITY CLAIMED BY KING LEOPOLD TO SECURE INTERNATIONAL RECOGNITION FOR HIS CONGO SUZERAINTY (p. 12)—THE TRANSFERRED SOVEREIGNTY OF THE NATIVE RULERS (p. 12)—DID THE TRANSFER IMPLY ABANDONMENT OF NATIVE PROPRIETARY RIGHTS IN LAND AND PRODUCE? (p. 13)—REASONS IN THE NEGATIVE (p. 14)—RIGHTS OF AFRICAN RULERS IN NATIVE LAW (p. 14) PASSION OF NATIVES FOR THE LAND (p. 14)—ACTS AND DECLARATIONS OF THE INTERNATIONAL ASSOCIATION AND ITS AGENTS (p. 14)—THE STATEMENTS OF STANLEY (p. 14) THE ASSOCIATION'S MANIFESTO (p. 14)—THE TEXT OF THE TREATIES (p. 15)—THEIR NATURE, ACCORDING TO STANLEY AND CAPTAIN HANSSENS (p. 17)—THE FIRST OFFICIAL DECREES OF THE "CONGO FREE STATE" (p. 17)—THE CHARACTER OF THE PROCEEDINGS AT BERLIN (p. 18)—THE PROVISIONS OF THE BERLIN ACT (p. 18)—THE UTTERANCES OF THE WORLD'S STATESMEN (p. 18)—FIVE CONCLUSIONS (p. 19).

A Memorial of Native Rights in the Land and its Fruits on the Congo Territories.

Part I.

Paramount object of European rule on the Congo since 1892.

The paramount object of European rule on the Congo since the Edicts of 1891-2 has been that of pillaging its natural wealth to enrich private interests in Belgium.

To achieve this end a specific, well-defined System was thought out in Brussels and applied on the Congo.

That System has endured for sixteen years. Its essential features have been known to successive Belgian Governments for ten years. They were known to the present Belgian Government when the latter took office. They have been defended in principle, and their effects in practice denied by successive Belgian Ministers[1], including Ministers in the present Belgian Government, some of whom have even been actively concerned in the working of this System and have personally participated in the profits derived from it[2].

The present Belgian Cabinet is not, therefore, confronted with any new problem. It has assumed the task of governing the Congo, thoroughly aware of the position of affairs, fully informed of the principles upon which the Congo has been managed, completely posted as to the root of the evils, and perfectly cognisant of the effective remedy.

Belgium's first Colonial Minister, who now holds office, left the Administrative Board of a Congo Concessionnaire Company[3] to enter the Cabinet. That Concessionnaire Company was controlled by the late Administration of the Congo, its Administrators were in close and constant communication with the latter from which the Company derived its powers and which participated in the Company's profits.

---

1 Messrs. de Smet de Naeyer, Van den Heuvel, Favereau, Schollaert, Davignon.
2 Messrs. Renkin and Delbeke.
3 Compagnie des Grands Lacs.

Ignorance cannot be pleaded by the Belgian Government.

Ignorance as to the reforms required cannot then be pleaded by the present Belgian Government. Ministers were aware of them long before they took office. But, although annexation was consummated on August 20th last, the year closes with the System inaugurated by the late Administration unchanged. Not only has the Belgian Government done nothing; not only has the Belgian Government given no indication of an intention to alter the prevailing System; but the Belgian Government has furnished numerous tokens of a design to perpetuate the System.

The Congo territories are still being pillaged, ruthlessly and systematically, for the enrichment of private interests and to enable the Belgian Government to maintain its hold upon the territory without calling upon the Belgian tax-payer for grants in aid[1]. The Belgian electorate was not consulted on the question of annexation. Ministers had no mandate from the Nation to commit it to annexation. The Belgian public was, however, assured that Belgium would contract no financial obligations in annexing the Congo, and Ministers shrink from the electoral disaster which, under the circumstances. would probably follow a demand upon the public purse; grants-in-aid of a substantial character being, nevertheless, essential if the System of pillage still obtaining is to be replaced by just and normal rule in accordance with the Acts of Berlin and Brussels and International Treaty rights.

This exact expression of the truth is but the echo of the same truth eloquently pleaded in the Belgian Chamber by distinguished and patriotic Belgian Statesmen and its enunciation here infers no reflection upon the Belgian people as a people. These cannot be held responsible, at this stage, for the actions of a Government which committed them uninformed and unconsulted to the task of administering an enormous Dependency in the African tropics.

Determining features of System of rule prevailing since 1892.

The determining features of the System of rule which has prevailed on the Congo since 1892 may be briefly stated in three sentences.

The rights of the natives to the produce of their own soil, which has commercial value on the world's markets, are taken from them and vested in aliens living thousands of miles away.

The natives cease to be owners of property and cease to be economic units; and the alien appropriators claim the right, as representatives of a superior civilisation, to extract from the natives the labour which is required for the collection of this produce and its shipment to Europe, where it is sold for the exclusive benefit of the aliens in question.

---

1 Which every country knows to its cost is an inevitable feature of the management of Tropical Dependencies—at least in the earlier stages of their development.

The proceeds of this sale form the principal asset of the alien Administration and provide the dividends of its affiliated Corporations; the natives are thus systematically robbed of their natural wealth and of their power to enrich themselves by trade and labour.

Beneficiaries of the System under the late and under the present Administration.

Under the Administration known as the "Congo Free State" the alien beneficiaries from this System were:—

First: The Sovereign, in his personal capacity, who claimed the produce of the soil in the portion of the territory known as the "Crown domain."

Secondly: The Sovereign, in his capacity of autocratic ruler of a "State," whose aboriginal inhabitants he had deprived by Decree of all that they possessed, and who claimed for the "State" the produce of the soil in the portion of the territory known as the "Private domain"—later as the "National domain."

Thirdly: Financial Corporations known as Concessionnaire Companies or Proprietary Companies, among which the produce of the remaining portion of the territory was distributed by various methods, the "State" retaining, in most cases, half the shares.

The proceeds from the sale in Europe of the produce were, so far as the "Crown domain" territory was concerned, paid into a private exchequer and not accounted for. So far as the "Private domain" or "National domain" was concerned, they were utilised for the purpose of enforcing the System upon the country. So far as the concessionnaire area was concerned, they were distributed to shareholders in the shape of dividends.

Under the present Belgian Administration the alien beneficiaries from this System are:—

First: The Belgian Government, which claims the produce of the soil both of the "Crown domain" and of the "Private or National domain."

Secondly: The same financial corporations, armed with the same powers, and the Belgian Government, which, by the Act of Transfer, has replaced the "Congo Free State" as holder of half the stock in these Corporations.

A simple issue: Is the System valid and permissible?

The issue at stake is, therefore, clear:—

It is simply whether this system of pillage applied to the Congo territory is valid—

From the point of view of the historical circumstances connected with the establishment of European rule on the Congo;

From the point of view of International Treaty obligations and the Law of Nations;

Whether it is permissible—

From the point of view of the Imperial duties and responsibilities of European Powers whose protected territories border the territory where this System is enforced;

From the point of elementary justice and civilised usage.

Moment opportune for a detailed examination of native rights in land and produce.

The Congo Reform Association's existence of nearly five years has been spent in making known the nature of this System to the civilised world; in making known its inevitable effects, and in bringing forward facts and arguments designed to meet the above-stated questions by a direct negative.

The moment would now seem to be opportune for the many representations made to H.M. Government to be supplemented by a fuller and more detailed examination of native rights in land and produce, such as they existed in the Congo prior to the Edicts of 1891-2, such as they, there, exist to-day: and such as they exist and are recognised in other tropical regions of Africa where native society is based—as in the Congo—upon communal ownership of property. It is evident that civilisation is, by the uprising of this System, and the attempt to give it permanence, faced with a problem which vitally concerns the future of the African tropics and their inhabitants, and, indeed, the whole character of European rule in the Dark Continent.

In what the defence of the System consists.

The natural prelude to such an examination must necessarily consist in setting forth the only defence which has been advanced to justify this wholesale appropriation of the natural wealth, earning capacity and trading rights of many millions of Africans.

That defence consists in the assertion that the land upon which this produce of commercial value grows (or may be made to grow by cultivation) is not, and has never been owned, by the natives: that it is, consequently, "vacant" land, and as such is the property (together with its products) of the Belgian local Administration of the Congo, or, indeed, of the Belgian "State" itself, as the Belgian Government may think fit. The term "National domain" is thus interpreted, not as connoting the patrimony of the aboriginal inhabitants held in trust for them by the Belgian Government, but as the "National" property of Belgium.

No attempt has ever been made, at least to the writer's knowledge, to substantiate that assertion. It remains a mere assertion. On the other hand elaborate treatises have been drawn up; lengthy *consultations juridiques* (by Maîtres Barboux, Nys and others) have been published; innumerable speeches have been delivered in the Belgian Houses of Parliament, one and all proclaiming the right of a "State" to appropriate and to utilise "vacant" lands. If it can be shown by inquiry that "vacant" lands exist, and if the word "State" is used to designate the body of the people united under one government, or acknowledging the suzerainty of an alien over-lord, and if the proceeds derived from the utilisation of these "vacant" lands by that government or alien over-lord are expended in the interests of the body of the people—as is the case, for example, in the British dependencies in tropical Africa—then the contention of Belgian ministers and jurists is not, and has never been, disputed. If, on the other hand, the word "State" is used to designate the citizens of another country altogether, and it is claimed that these citizens are entitled to acquire and to benefit exclusively from the wealth derived from a territory in Africa, and obtainable only by the labour of the native; then the contention of Belgian ministers and jurists would be open to serious objections.

BUT THIS IS NOT THE POINT AT ISSUE.

The point at issue is not the theoretical rights of a "State" over "vacant" lands, but the assertion that the land of the Congo, upon which produce of commercial value grows (or may be made to grow by cultivation), has no native owners: that the only valid native claim to ownership of land applies to the sites of native towns and villages, and to the areas around them under cultivation for food-stuffs: that all land outside those sites and cultivated areas, and all its produce of commercial value, is the property of the European State, or of the European State's local administration, which has acquired political power in the country.

DOES THE LAND, BEYOND THE LIMITS OF NATIVE TOWNS AND VILLAGES AND THEIR ADJACENT FARMS OR FOOD PLANTATIONS, POSSESS NATIVE OWNERS, OR DOES IT NOT? THAT, AND THAT ALONE, IS THE VERITABLE ISSUE.

Can it be shown that the land has native owners?

If it can be shown that the land of the Congo does possess, and has always possessed—save where there is no population—native owners, and was always recognised as possessing native owners until the Edicts of 1891-2; and if it can be shown, concurrently, that wherever the native owners of the land had had access (prior to the Edicts of 1891-2) to European markets for the disposal of the produce of the land, either by direct or indirect dealings with Europeans, they traded freely in that produce;

then the appropriation by the governing authorities of the Congo of the land's natural wealth, on the plea that the land possesses no native owners, stands out as a violation of native law, of native rights, of international law, and of elementary morality, without precedent in contemporary history, and the Great Powers, I submit, cannot allow that policy to be perpetuated by the Belgian Government.

I contend that this proposition is easily demonstrable.

On what authority did the "International Association" (known later as the "Congo Free State") lay claim to recognition by the Great Powers?

What authority did the Founder and President of the International Association of the Congo—King LEOPOLD II.—invoke, in order to justify the claim of that Association to be recognised by the Great Powers as Suzerain of the Congo?

It was the authority with which the International Association alleged itself to be invested by the production of upwards of 450 Treaties concluded by Mr. HENRY M. STANLEY and his staff on the Association's behalf with native chiefs. That, and no other, was the principal authority appealed to by King LEOPOLD II., and it was armed with this authority that he came before the civilised world.

> "We sounded—said STANLEY in 1884—the feelings of the natives. We laid the question before them as frankly as I now lay it before you. We made treaties with them by which they ceded to us the sovereignty and every right which could be taken by others to our disadvantage. . . . By this act the International Association came into quiet possession, and those Powers disposed *to annex the land* and frustrate the work could not expel us from the country. . . . While we travelled through and through the Congo lands—making roads, stations, negotiating for privileges, surveying the vast area, teaching and preparing the natives for the near advent of a bright and happy future for them, winning them by gentleness, appeasing their passions, *inculcating commercial principles*, *showing to them the nature of the produce that would be marketable when the White man should come*, and everywhere accepted *as their friends and benefactors*—we became convinced that the real obstacles to the recognition of the projects of the Association were not the natives. . . . [1]

The text of the Declarations exchanged between the International Association and the Great Powers, "by which the International Association of the Congo has obtained the recognition of the Governments,"[2] is, moreover, quite conclusive on this point. On April 22nd, 1884, General SANFORD, King LEOPOLD's representative in Washington, obtained the recognition of the United States Government to the International Association on the primary ground that:

> "*By Treaties with the legitimate Sovereigns in the basins of the Congo and of the Niadi Kialum and the adjacent territories upon the Atlantic there has been ceded to it territories for the use and benefits of Free States established and being established* under the care and supervision of the said Association in the said basins and adjacent territories to which cession the Free States of right succeed."[3]

---

1 Address to the London Chamber of Commerce, Sept. 19th, 1884.
2 Annex 1 to protocol 9 (Africa, No. 4, 1885).
3 *Idem.*

On December 16th, 1884, M. STRAUSS, King LEOPOLD'S chief representative at the Berlin Conference, obtained the recognition of H.M. Government to the International Association on the primary ground that:—

> "*By Treaties with the legitimate Sovereigns in the basins of the Congo and Niadi-Kwilu, and in adjacent territories upon the Atlantic, there has been ceded to it territory for the use and benefit of Free States established and being established in the said basin and adjacent territories:* that by virtue of the said Treaties the administration of the said Free States is vested in the Association." [1]

Thus, the International Association based its claim to international recognition as a Suzerain power in Central Africa on the strength of having purchased, or otherwise obtained, authority from a number of legitimate African Sovereigns to so represent itself, and producing upwards of 450 Treaties in proof of its assertion.

If Native Rulers transferred sovereign rights to the International Association, they must have possessed such rights.

Now it is on the face of it patent that the transfer of sovereign rights by Native Chiefs to the International Association, constitutes proof of the possession by those Native Chiefs of such rights. It is equally patent that as these Native Chiefs possessed these sovereign rights over the land, the land could not have been without native owners. The International Association claimed, by virtue of these Treaties, sovereign rights over an enormous stretch of country. For the successors of the International Association to contend to-day that the rights of these "legitimate Sovereigns," or their descendants did not, or do not extend beyond the boundaries of the native towns and villages and their adjacent food plantations, would be to admit the perpetration of a gross fraud by the International Association upon the Great Powers. From that position no escape is logically possible.

It is clear, therefore, that the Treaties with Native Chiefs on the strength of which King LEOPOLD induced the Great Powers to recognise the flag and *status* of the International Association, were Treaties signed—and admittedly so—with legitimate Native Sovereigns holding sovereign rights over the land and, consequently, over the produce of the land, which, as will be shown later on they were, in point of fact, utilising at the time.

Did the native rulers of the Congo, in transferring their sovereign rights to the International Association, relinquish the proprietary rights of their people in the land and its produce?

The next point for consideration is whether, in transferring their sovereign rights over the country to the International Association, the "legitimate" rulers of these native communities, intended—and were regarded by the International Association as intending—to relinquish the proprietary rights of their people in the soil and in the produce of the soil?

From whatever aspect it is approached, any contention in the affirmative is untenable.

---

1 *Idem.*

No— because In the first place, the African King or Chief under the patriarchal system prevailing on the Congo and throughout the greater part of the African tropics, does not himself own the land. He is merely its trustee on behalf of his subjects. This is a matter of common knowledge to all African administrators and, were it necessary, a volume could be compiled on the subject.[1] Exceptions to this rule are rare.

No— because It is equally well-known, in the second place, that African Communities regard the land as their inviolable possession, being at once the supplier of all their needs and the origin of all their religious conceptions, and that no African Community would knowingly barter away the land of its ancestors on any consideration whatsoever.

No— because In the third place the acts and declarations of the International Association on the one hand, and the Protocols of the Berlin Act on the other prove conclusively that the International Association never dreamed of putting forward such a contention; that no pretention of the kind was even whispered, and that the Great Powers would have declined to entertain it for a moment, had it been advanced.

No— because The pre-eminent endeavour of the International Association was to win the confidence of the Great Powers and of Public Opinion in order to secure international recognition. With this object in view its Founder and his assistants represented themselves as desirous to promote above all things the welfare of the natives, and to forward the development of commercial relations between them and the outer world. The elimination of native ownership in the soil and in the produce of the soil, would not only have been a singular fashion of promoting the welfare of the natives, but it would have made the development of commercial relations between them and the outer world impossible. It would, therefore, have been totally at variance with the Association's professions.

No— because We have seen how STANLEY, on his own showing and acting as the "Chief agent" of the International Association, went up and down the river repudiating any idea of a desire to annex the land, assuring the natives that the advent of the White-man in the Upper river would place markets for the disposal of their produce at their very doors, and securing Treaties for the International Association by these and kindred means.

In its official Manifesto[2] the International Association declared that "all can enter into free commercial relations with the natives; that its aim was 'to civilise Africa by encouragement given to legitimate trade'"; that "thanks to trade all this produce will enter into circulation, the counterpart of its value will return to Africa for which it will prove a source of prosperity."

---

1 It is again referred to in this Memorial (Part III.)
2 Communicated by Stanley to the Manchester Chamber of Commerce on October 21st, 1884.

No—because The mere fact that these declarations were made and repeatedly accentuated; that they formed, indeed, the basis of the International Association's claim to recognition suffice to dispose of any idea that the International Association regarded its Treaties with the Native Chiefs as implying that the natives had been thereby despoiled, voluntarily or otherwise of their proprietary rights in the soil and its fruits, and their ownership in land limited to the sites of their towns and food plantations. These declarations were in themselves an admission that the Native Communities of the Congo preserved *all* their rights in the soil and its produce since, not only the development of trade and commerce *but the very existence of this relationship is dependent upon the possession by the native of produce to sell to the European against cash or merchandise or both as the case may be.*

The Treaties themselves prove the contrary. The Treaties themselves (in so far as they are publicly accessible) do but corroborate the declarations made to the world by the International Association. The comments of STANLEY, and of his principal assistants who together obtained them, are equally significant. He constantly complains of the difficulty of securing even sites for stations and the building of roads, so suspicious were the natives that their rights in the land were to be interfered with. Similar experiences are constantly being recorded by European Administrators and travellers in tropical Africa. Now, STANLEY finds himself compelled to "pay £32 down and a *rental* of £2 a month;" again, he says, "In casting up the gross account of the expenditure, I discovered that £156 in English gold had been paid. Consider that for this sum we had only obtained a right of way. . . ."

That the Treaties were above all Treaties of *protection* and trade is abundantly evident. Thus, the Treaty uniting "all the Chiefs of the Wambundu, Kintamo and the Association into a confederation for the preservation of peace in the region south and west of Stanley Pool" stipulates that no stranger shall enter the territory of these federated Chiefs without a guarantee from the Association that "such stranger was a *bona fide trader*."[1] In the "verbal Treaty" arranged with the Chiefs of Lukolela, Juka and Mungawa there is an agreement "to cede to us (the International Association) sovereignty over their country." In the sentence immediately following STANLEY says: "They also sold to us a fine piece of land, etc.," showing that acceptance of a protective Suzerainty, carrying with it increased trading facilities, did not involve a surrender of ownership in land, which had to be bought or leased by the International Association; of which further proof is forthcoming in the word "rental" used by STANLEY in the passage already quoted.

---

1 "The Congo." (Treaty dated April 8th, 1883).

STANLEY drew, from the very sacredness of these native rights in land, additional arguments in favour of the international weight which should rightly attach to his Treaties, as tending to demonstrate their absolute honesty :—

> "The Association," he writes, "were in possession of Treaties made with over 450 independent African Chiefs, whose rights would be conceded by all to have been indisputable *since they held their lands by undisturbed occupation, by long ages of succession, by real Divine right.*"[1]

Yet, to-day, the rulers of the Congo interpret this "Divine right" of the natives to their lands, in the sense of a "Divine right" conferred upon Belgium, in the name of Civilisation, to rob the natives of their land and to treat them as the property of the Belgian State!

In the Treaty of April 1st, 1884, with the "King and Chiefs of Ngombi and Mafela," the Chiefs "solemnly affirm that all the country belongs absolutely to them."

After STANLEY, the most active of the International Association's agents in Treaty-making was the Belgian Captain HANSSENS. He arrived in the Congo, early in 1882, at the time when STANLEY was preparing to return home. Ten years later his letters were published.[2] Their testimony is invaluable as the following extracts will show.

> From Leopoldville, October 5, 1882.—"As soon as I have made up my mind as to the best spot for the new station, I shall sign a regular contract *with the owner of the land.*"
>
> From the Equator Station, April 25, 1884.—"This district is governed by two great chiefs, Mukwala and Mongombo, who also enjoy the *the paramount authority over the whole territory between the Mantumba and our station at Lukolela.* I made blood brotherhood with them, and succeeded in concluding a treaty which places this huge territory *under the protection* of the Committee. . . . My journey has been fertile in results. I have concluded with the great Chief Mkuku a Treaty which insures us *the protectorate* not only of the Iranga territory, situate as you know on the right bank of the defile before Ngombi, but of the Ubanghi territory itself."
>
> From the Station of Bangala, May 11, 1884.—"I am happy to tell you that I have succeeded in founding the station of the Bangala. Since the 9th inst., Lieutenant Coquilhat occupies with his men and his goods, a site which *has been ceded to the expedition by the great Chief Matamwike.* The negotiations were long and difficult. . . I accepted the only site *offered me*, thinking it essential for the time being to get a footing in the country. It must fall to the head of the Station (Coquilhat) to seek later on to extend it *by pacific negotiation, and if this extension is possible* M. Coquilhat seems to me to be the man who can carry it through."
>
> From Leopoldville, May 15, 1884.—"The natives now know perfectly well that the blue flag is the symbol of peace and friendship at the moment, and the hope of a greater prosperity for the future. The great number of treaties I have negotiated and the comparatively short time taken in the negotiations are the best proof of this. All the tribes *aspire to place themselves under our protection*, and if I acceded to all the demands made to me, I should have to found as many stations as there *are inhabited districts.* . . . Descending the river I stopped at the important district of Isangi. I had no difficulty in concluding a *treaty of friendship*, and I obtained very easily the *cession of a site* which will serve later for a station. . . I have *bought the site* of Liranga, belonging to the paramount Chief of Ubanghi, on the right bank of the Ngombi district. . . Our situation at the Falls is excellent from every point of view. We are on the best of terms with all the chiefs of the vicinity, who show us the profoundest respect and testify the warmest friendship. They attach a very great importance *to our protection.*"

Could anything be more explicit?

---

1 *Idem* (p. 329).
2 "Lettres inédites du Capitaine Hanssens." Le Congo illustré.

If any lingering doubt remained as to the character of these Treaties, it would be dispelled by a perusal of the Treaty with the Palaballa Chiefs. The document may be usefully reproduced in part.

> "Pallaballa, 19th April, 1884. A supplementary Treaty made this day between H. M. STANLEY, chief agent of the *Association Internationale Africaine*, and the undersigned chiefs of the districts of Pallaballa, to explain the meaning and the spirit of the term "Cession of territory," found in the Treaty made on 8th January, 1883, between Lieutenant VAN DE VELDE and the said chiefs of Pallaballa:—
>
> "It is agreed between the above parties *that the term 'Cession of territory' does not mean the purchase of the soil by the Association*, but the purchase of the Suzerainty by the Association, and its just acknowledgment by the undersigned chiefs."

The nature of the Treaties.

These Agreements, then, were Treaties of protection and trade, of over-lordship, of Suzerainty, willingly contracted by the "legitimate sovereigns" of the Congo in return for immediate and potential advantages, and hastily concluded by STANLEY and his assistants on behalf of the International Association, with the object of providing King LEOPOLD II. with something more tangible to place before the council of the nations and to oppose the pretensions of France and Portugal, than declamatory utterances, exploring feats, and philanthropic professions.

They were nothing more. They could have been nothing more on the strength of the evidence they and their negotiators themselves supply.

The first Official Acts of the "Congo Free State" were the recognition of native rights in land.

It remains to be said that the first act of the first Governor appointed by the International Association (which had by then changed its name to that of the "Congo Free State") Sir FRANCIS DE WINTON, was an Ordinance declaring that no one was entitled "to despoil the natives of the lands they occupy."[1] A further admission of native rights of ownership in land is provided in the *Arrêté*, of one of Sir FRANCIS DE WINTON'S successors, M. CAM. JANSSEN, dated June 30th, 1887, in which the latter recommends Europeans desirous of founding trading stations in the Upper Congo, "to make with the natives the necessary arrangements to ensure for themselves a peaceful occupation of the site, and to prevent conflicts and hostilities."[2]

So much for the conclusive proof supplied by the Acts and Declarations of the International Association that, in transferring their sovereign rights over the Congo to the Association, the "legitimate" rulers of the Native Communities in no way relinquished—and were in no way regarded by the International Association as having relinquished—the proprietary rights of their people in the land and in its produce.

---

1 Bulletin Officiel, No. 2, Ordonnance du 1er Juillet, 1885.
2 Bulletin Officiel, No. 9, Sep., 1887.

No such claim, had it been advanced, would have been sanctioned by the Great Powers.

That no such claim, had it been advanced by the International Association, would have been sanctioned by the Powers, is sufficiently obvious from the whole character of the proceedings at Berlin and by the utterances of various Statesmen which preceded, accompanied and followed those proceedings. Nevertheless, so precise, so distinctive, so entirely free from ambiguity are many of these passages, that some of them at least may be usefully recalled.

So anxious were the Great Powers that commercial relations between the Native Communities of the Congo with the outer world should be *unfettered even by vexatious commercial arrangements*, that the Act of Berlin (Art. 5) forbade the granting of "a monopoly or favour of any kind in matters of trade."

PRINCE BISMARCK opened the proceedings of the Conference by associating in the closest possible manner the rights of the natives in the produce of their soil, with their progress and advancement. He said:—

> "The Imperial Government has been guided by the conviction that all the Governments invited participate in the desire *to associate the natives of Africa with civilisation by opening the interior of that continent to trade.*"

COUNT DE LAUNAY the Italian delegate, declared at the closing sitting that:—

> "We have neglected nothing in the bounds of possibility for opening as far as the centre of the African Continent, *a wide route to the moral and material progress of the native tribes and the development of the general interests of commerce and navigation.*

BARON LAMBERMONT, one of the Belgian delegates, stated that:—

> "The temptation to impose abusive taxes, *will find its corrective if need be, in the freedom of commerce.*"

BARON DE COURCEL, one of the French representatives, asserted that:—

> "The colonial experiences of the sixteenth century, *when colonies were ruined by being managed in the sole interest of the Metropolis, must not be renewed.* . . . We have laid down, apart from the clauses of the Act, a certain number of principles *which ensure against any infringement in the future of the freedom of commercial transactions with the natives of the Congo Basin.*"

BARONS DE COURCEL and LAMBERMONT, together signed a Report which is attached to the Protocols of the Act and in which they declare that: "An unlimited right for everyone to buy and to sell" is the only rational interpretation of the term "commercial matters."[1]

H.M. Government entered the Conference imbued, in the words of the British delegate, Sir EDWARD MALET, with the principle of:—

> "The *progress of legitimate trade* with guarantees of equal treatment to all nations and *the good treatment of the natives.*"

---

1 Baron Lambermont protested to the King when the Edicts of 1891-2 were promulgated.

Mr. KASSON, the United States delegate, declared that:—

> "The President of the United States regards this local government *or any successors* resting upon the same basis of principle, as an assurance that the natives will learn that civilisation and dominion of White men means for them *peace and freedom and the development of useful commerce free to all the world.*"

M. ENGELHARDT, another of the representatives of France, in his official report upon the Conference wrote:—

> "Native Communities—and this is a point which deserves to be noted—were not considered as *communities so unstable in occupation and constancy that the soil they inhabit, even when not utilised, can be regarded as unoccupied land* . . . Every time that a vote or a simple proposal raised the interests of the African races, the assembly at Berlin showed that it *did not look upon them as purely accidental associations, without juridical rights, or outside the community of the rights of men.*"

The following declarations made subsequently to the signing of the Act are equally significant.

M. BEERNAERT, then Prime Minister of Belgium, asserted that on the Congo there would be "absolute freedom of barter, property, commerce and navigation."

LORD VIVIAN (Great Britain) declared that:—

> "Freedom of trade was established in the interests *not only of civilisation but of the native races of Africa.*"

M, FRELINGHUYSEN, the American Secretary of State, remarked that:—

> "Soon these millions of people inhabiting the interior of Africa will, *under the inspiring influence of civilisation become purchasers of every kind of provisions, manufactured goods, agricultural implements,* etc."

All these declarations, provisions and stipulations would have been illusory and meaningless, if applied to a territory whose inhabitants had been precedently despoiled of the whole of their rights in the land and in the produce of the soil. The entire proceedings would have been the hollowest of shams, and the utterances of these distinguished statesmen the veriest persiflage.

Five conditions established.

I make bold to have established:

i. That the claim of the International Association, afterwards the Congo Free State, to international recognition formulated, at first, secretly,[1] then openly, by King LEOPOLD II., reposed primarily upon the existence of a number of Treaties negotiated by Mr. STANLEY and his staff in the name of, and for the benefit of, the International Association, with the native rulers of the Congo.

---

1 *Vide* "The Life of Lord Granville," by Lord Edmond Fitzmaurice. 1905.

ii. That before these Treaties were negotiated, and at the time they were being negotiated, the native rulers and their subjects were owners of the land and of the produce of commercial value the land contained, and not merely owners of the sites of their respective towns and villages and adjacent farms under cultivation.

iii. That one of the principal declared objects of the International Association was the creation of such a condition of peace and security in the country as would lead to an extensive development in commercial transactions between the natives and the outer world, by giving to the former increased accessibility to markets for the disposal of their produce.

iv. That, in recognizing the Suzerainty of the International Association, the native signatories to the Treaties did not surrender their rights and the rights of their people in the land, and *a fortiori* did not surrender their rights and the rights of their people to trade freely with White men in the produce of commercial value obtainable from the land.

v. That no attempt was ever made by the International Association to contend that the Native Communities on the Congo had surrendered their ownership in the land and in its produce to the Association ; that, on the contrary, the Association and its agents went out of their way to proclaim the opposite ; and that the Great Powers granted, separately and collectively, recognition to the International Association on the understanding that native rights in land and produce were unquestioned and unquestionable.

These conclusions, based entirely upon International records and upon the acts and declarations of the International Association and its agents, destroy entirely the defence since set up by the successors of the International Association, by which they seek to justify their appropriation of the natural wealth of the Congo, on the ground that the land outside the villages and their adjacent food plantations, is " vacant " and without native owners.

Part II.

A constructive demonstration of native rights of ownership in land, and utilisation of its produce for commercial purposes from early times until the Edicts of 1891-2.

CONTENTS.

SECTION A.—THE EARLY TRADE OF THE CONGO TO THE FOUNDING OF THE INTERNATIONAL ASSOCIATION.

FOUNDATION OF RELATIONS WITH PORTUGAL (p. 24)—CHARACTER OF THE EARLY TRADE (p. 24)—THE IMPETUS IT RECEIVED THROUGH THE ABOLITION OF THE OVER-SEA SLAVE TRAFFIC (p. 24)— CHARACTER OF THE TRADE TOWARDS THE MIDDLE OF LAST CENTURY (p 25)—ITS VOLUME AND CHARACTER IN THE SEVENTIES (p. 25)—WHERE THE PRODUCE CAME FROM (p. 25)—THE DISTANCE TO WHICH TRADE HAD PENETRATED INTO THE INTERIOR BEFORE THE CREATION OF THE INTERNATIONAL ASSOCIATION (p. 26)—THE ASSERTIONS OF BELGIAN MINISTERS BRACKETED WITH FACTS (p. 26).

SECTION B.—THE EXTENT TO WHICH THE NATIVES OF THE CONGO WERE TRADING IN THE PRODUCE OF THEIR LANDS WHEN THE INTERNATIONAL ASSOCIATION WAS CREATED.

STANLEY'S CONCLUSIVE TESTIMONY (p. 28)—THE ENTERPRISE AND COMMERCIAL ABILITY OF THE CONGO NATIVES (p. 28)—STANLEY AT MANCHESTER (p. 30)—HIS WARNING (p. 30)—MR. HERBERT WARD'S, CAPTAINS HANSSENS' AND COQUILHAT'S, AND SIR HARRY JOHNSTON'S TESTIMONY (p. 31)—NATIVE CURRENCY (p. 31)—THE RUBBER AND GROUND NUT TRADES (p. 32)—THE EVIDENCE CONTAINED IN THE PROTOCOLS OF THE BERLIN CONFERENCE (p. 33).

SECTION C.—THE EXPANSION OF THE INTERIOR TRADE WHICH FOLLOWED THE CREATION OF THE INTERNATIONAL ASSOCIATION, UNTIL ITS EXTINCTION BY THE EDICTS OF 1891-2.

COMMERCIAL EAGERNESS OF THE UPPER CONGO NATIVES (p. 34)—THE EXPANSION OF THE RUBBER TRADE (p. 34)—THE ARGUMENT OF THE VANDAL (p. 35)—THE SITUATION IN 1890 (p. 35)—THE ISSUE OF THE DECREES (p. 36)—UNAVAILING PROTESTS (p. 36)—ELABORATION OF THE SYSTEM OF PILLAGE (p. 37).

PART II.

Necessity of a constructive demonstration of Native rights in land and produce.

A demonstration of the falsity of the contention advanced by the late Administration of the Congo, and by the Belgian Government to-day, that the land outside the sites of the native towns and villages and adjacent food plantations is without native owners does not suffice in the opinion of the writer, to show the full enormity of the System inaugurated by the Edicts of 1891-2, continued for 16 years, and still maintained by the Belgian Government.

It is only by following this destructive demonstration by a constructive demonstration of native rights in land and produce, that the monstrous crime which has been perpetrated, and which is being perpetuated, can be properly understood; and the dangers, both moral and material, to the future of the races and resources of the African tropics, and to the future of European rule within them, adequately estimated.

To be effective, this constructive demonstration should be made to cover (so far as establishing proof of a long-continued usage for trade purposes of the produce of their land by the natives is concerned) three periods, more or less [illegible]:

(*a*) The period antecedent to the creation of the International Association.

(*b*) The period contemporary with the creation of the In[illegible] tion, and with the negotiation of the Association's Trea[illegible] "legitimate sovereigns" of the country.

(*c*) The period following the recognition of the Internat[illegible]a Assoc[illegible] (which then took the name of the "Congo Free State"), by the Great Powers, up to the Edicts of 1891-2.

The demonstration will be completed by summarising, in Part III., the mass of evidence, which has become publicly accessible since 1892, as to native [illegible] in land, and native usage of land, for purposes of trade and of internal industry and sustenance.

SECTION A.

The Early Trade of the Congo to the Founding of the International Association.

The dawn of trade.

It would be going beyond the scope of this Memorandum to do more than pass very rapidly over the early history of European relations with the Congo, but a brief sketch is essential if only to show the antiquity of the Congo trade in forest produce, and its gradual progression inland.

In 1485 DIOGO CAM was "received by the King of Congo with great affection, and had the happiness of inspiring him with a great desire to receive instruction in the tenets of the Christian religion." The Southern portion of the Congo basin would appear to have been at that time under the sway of a central authority whose influence radiated far and wide.

That the authority of the King of Congo extended to the Upper River would seem to be clearly established by the Portuguese records. In 1491 RUY DE SOUSA assisted NJUNGA-A-KUUM, then King, in an expedition against the Mundequetes, who "lived in the islands and on the banks of the lake from which flows the Great River," and were, doubtless, identical with the Batekes of Stanley Pool.[1]

By the close of the century the Portuguese themselves appear to have established trade relations with the Batekes.[2]

The destruction of the Slave traffic.

The sixteenth, seventeenth, but especially the eighteenth and nineteenth centuries, furnish numerous records of a brisk trade in forest produce between Europeans and natives, extending all along the coast, from Cape Lopez to Ambrizette. During the greater part of the period above mentioned this trade existed, of course, concurrently with the traffic in slaves, then recognised as a legitimate form of commercial activity by all classes of Society (including Ministers of the Gospel). By 1839 the slave trade in Congo waters was practically at an end, thanks to the mutual exertions of the commanders of British and French vessels of war, but it was not until 1857 that the destruction by British ships of the slave barracoons at Senga-Tenga gave the traffic its death blow north of the Congo river[3] although a so-called "Free emigration" of natives—resembling somewhat the "Free emigration" of *serviçaes* from the mainland of Angola to San Thomé at the present day—to the French possessions in the West Indies prevailed until 1860, when the friendly representations of the British Government to the Emperor Napoleon III. led to its abolition.

---

1 F. L. de Sousa, Hist. de Dom., 1662.
2 Pigafetta: Kingdom of Congo.
3 Two years previously the chief slave depôt South of the Congo, at Ambrizette, had been destroyed by the Portuguese.

Nature of the trade and its extension.

The trade in natural produce consisted chiefly of red wood, wax, copper, tin, lead and iron; large quantities of ivory were also disposed of by the natives. These articles were bartered for linen, cloth, copper kettles, muskets and other European merchandise.[1] With the final extinction of the over-sea slave traffic, legitimate trade received a considerable impetus, and, by the middle of the nineteenth century, European commerce was pushing inwards from the coast (chiefly through the active enterprise of native "middlemen" traders) into the Upper Congo and the Kasai valley from all directions. Everywhere the natives of the country, even in the remote interior, unknown, unexplored and inaccessible to Europeans, were giving increasing evidence of their eagerness for commercial pursuits which, together with a passion amounting to veneration for their land, is the dominating characteristic of the vast majority of the inhabitants of the tropical regions of Africa. Soon, European merchants abandoning their old custom of trading from hulks moored in the estuaries of the rivers, founded establishments on shore. According to old ships' manifests in the writer's possession, the Congo natives were purchasers at that period of (*inter alia*) the following European goods in exchange for their produce: cloth, satin strips, umbrellas, red baize, tobacco, powder, muskets, straw hats, kettles, brass rods, iron pots, machettes, pipes, razors, looking glasses, beads, Dutch knives and snuff boxes.

The volume of Trade in the Seventies and Eighties.

By the seventies European merchants had crossed into the Congo Basin, pushed in behind Loango and up the lower Congo, and commerce had penetrated far into what was destined to become the "Congo Free State." According to STANLEY's figures the value of the Congo trade had reached £2,800,000 annually by 1880, for "378 miles of water frontage" (which included part of the coast line now known as "French Congo," part of the Coast line known as Angola, and both banks of the Congo as far up as Noki and Matadi), and in the previous year a single European firm had imported goods to the value of £287,400, of which £138,000 consisted of English cotton and flannel goods and £64,000 of American cotton goods and American tobacco.

Where Native Produce came from.

A considerable proportion of the produce sold by the Congo natives to European merchants in order to acquire this merchandise, came from the Upper Congo beyond Leopoldville. As the merchants progressed up the lower river, the Coast trade fell off remarkably. (This phenomenon was repeated later on, at the expense of the Lower Congo factories when Belgian merchants went up to Leopoldville and beyond). Further proof of the fact that the natives of the Upper Congo were actively engaged in trade with the Ba-Congo

---

1 For the records of this old trade the published works of Bosman, Barbot, Isert and various Portuguese authorities may be consulted.

middlemen, long before the International Association was born or thought of, is adduced by STANLEY himself who, on his first journey down the river, speaks of the:

> "Keen, enterprising, high-spirited people of the Upper River. Many a flotilla—he continues—descends the great river 500 miles down to Stanley Pool to wait patiently for months before their goods can be disposed of to the Lower Congo caravans."

Testimony of Commandant Liebrechts.

The great distances to which trade had penetrated in the interior before the creation of the International Association is corroborated, curiously enough, by no less an authority than Commandant LIEBRECHTS, the Congo State's Secretary of State for the Interior, responsible above any other official of King LEOPOLD'S executive staff for the organisation from Brussels of the system under which the natives of the Congo have been robbed of the produce of their lands on the ground indicated in Part I. In his "Guide de la Section de l'Etat Indépendant du Congo à l'exposition de Bruxelles-Tervueren en 1897,"[1] Commandant LIEBRECHTS writes on p. 80 of the Batekes:—

> "The Bateke are traders also, but rather middlemen; they jealously guard the monopoly of transactions on Stanley Pool, thus holding the key to the whole trade of the Upper Congo. This incessant movement resulted in the fact that for many years, long before the arrival of Europeans, the riverine tribes of the Congo, as far even as the Aruwimi, possessed European merchandise, passed from hand to hand from the coast, and having thus acquired an extraordinary value."

Thus we have it recorded by this high Official, so deeply incriminated in the System of oppression pursued for sixteen years on the Congo, that the natives for a distance of over 2,000 miles in the interior were eagerly purchasing European goods long before they had even seen a European—unless it were Stanley.

But in speaking—in 1897—of the Batekes holding a monopoly of trade at Stanley Pool and controlling the whole of the "trade" of the Congo, Commandant LIEBRECHTS was deluding his readers. "Trade' had been extirpated five years before the Guide to the Brussels Exhibition had been compiled, and the Batekes, concurrently with that extirpation and the persecution which accompanied it, had "in one night" abandoned their homes in Congo territory and crossed over to the French Bank.[2]

Sophistries of Belgian Ministers.

The incredible sophistries of Belgian Ministers and their supporters in the Belgian Chamber, never appear to greater disadvantage than when they are bracketed with unimpeachable testimony proving that the natives of the Congo not only owned the land but utilised the produce of the land, and traded freely in it, long before the system of spoliation and pillage, which Belgian Ministers are perpetuating, was forced upon them at the muzzle of the rifle and at the end of the lash.

---

1 Ouvrage publié sous la direction de M. le Commandant Liebrechts. Imprimerie Veuve Monnan, Bruxelles.
2 Africa, No. 1, 1904, p. 22 of Consul Casement's report.

What has been shown. Thus it has been shown, (necessarily in brief form or this Memorial would assume the proportions of a volume) by what precedes, that as far back as the sixteenth and seventeenth centuries the natives of the Congo littoral were engaged in trading operations with Europeans: that even at that remote period they gathered the produce of their land for commercial purposes; that these commercial transactions increased with the years and gained an ever widening area; that by the seventies and early eighties the ramifications of these commercial dealings had penetrated 1,000 miles up the Congo, and that before STANLEY concluded his Treaties with the "legitimate sovereigns" of the Congo, on behalf of the International Association, he was himself a witness of flotillas of native canoes waiting patiently at Stanley Pool to dispose of their cargoes of produce to the native middlemen of the lower Congo, who, loaded with European merchandise, were tramping the weary 250 miles of path bordering the cataracts which separated the European trading stations on the lower River from their native clients on the upper River.

In the next Section the further corroborative evidence adduced will carry us through the period contemporary with the negotiation of the Treaties between the International Association and the "legitimate sovereigns" of the Congo.

SECTION B.

The extent to which the natives of the Congo were trading in the produce of their lands when the International Association was created.

Stanley's belief in Commerce as a civilising medium.

One would seek in vain for records emphasising more clearly the utilisation by the Native Communities of the Congo—to the extent then open to them—of their lands and produce, at the time when Stanley was winning them "by gentleness" to cede their suzerain rights to the International Association, than those which are provided in the brilliant pages of the "Founding of the Independent State of the Congo."

STANLEY does not write in the usual stereotyped manner of the African traveller when narrating affairs outside the circle of his own real or invented personal experiences, but as a man who really understands the natives: who, though assuredly not tender of hand when opposed or oblivious of the natives' faults, realised to the full, their possibilities under firm and just rule, and realised, too, as a man who, for all his fervid idealism, was intensely practical, the enormous potentialities of a commerce which would, as he most sincerely believed, develop and expand as the outcome of his action, making of the mighty river and its affluents a prodigious highway of industrial progress into the great heart of Africa, bringing profit alike to the peoples of the Congo, and to the peoples of the Western world. He saw in the unfettered expansion of these commercial relations, the true civilising medium for Central Africa, and his word painting of the splendid material a far-seeing Administration would have to work upon, possesses a convincing eloquence, which not all the legalised outrage, juridical subtleties and shameful invasion of human rights of the last sixteen years, can weaken. The following are some typical examples taken from these records :—

Bolobo's enterprising traders.

"Bolobo is a *great centre for the ivory and camwood powder trade*, principally because its people are so enterprising. The *native traders have agents residing at Stanley Pool*, to whom the ivory collected here is delivered, and the merchandise from the coast lying in store is consigned by the wealthy traders at Bolobo." . . .

Irebu, the "Venice of the Congo."

"This was the populous district of Irebu, *the home of the champion traders on the Upper Congo*, rivalled only in enterprise by Ubanghi, on the right bank. . . . It was, in fact, a *Venice of the Congo*, seated in the pride of its great numbers between the dark waters of the Lukangu and the deep, brown channels of the parent stream. . . . These people were really acquainted with many lands and tribes on the Upper Congo. From Stanley Pool to Upoto, a distance of 6,000 miles, they knew every landing place on the river banks. All the ups and downs of savage life, *all the profits and losses derived from barter*, all the diplomatic arts used by tactful savages, were as well-known to them as the Roman alphabet to us. *They knew the varied lengths of 'sina' ('long' of cloth), the number of matakos (brass rods) they were worth, whether of Savelish, Florentine, unbleached domestic, twill, stripe, ticking, blue and white baft ; the value of beads*

per 1,000 strings, as compared with the uncut pieces of sheeting, or kegs of gunpowder, or flint-lock muskets short and long. They could tell, by poising on the arm, what profit on an ivory tusk purchased at Langa Langa, would be derived by sale at Stanley Pool. No wonder that *all this commercial knowledge* had left its traces on their faces; indeed, it is the same as in your own cities in Europe. Know you not the military man among you, the lawyer and the merchant, the banker, the artist, or the poet? It is the same in Africa, MORE ESPECIALLY ON THE CONGO, WHERE THE PEOPLE ARE SO DEVOTED TO TRADE." . . .

Clamouring for Cloth.

"At Ikenge the natives manufactured a superior kind of pottery. Camwood powder is also extensively made. Ivory is purchased from the Watwa dwarfs." . . .

(Writing of the future growth of trade on the Upper Congo)—"Cloth will win the day here eventually. We are *literally besieged for the very smallest refuse of clothing that we possess.*" . . .

The industrious Basoko.

(Among the Basoko, on the Aruwimi)—"During the few days of our mutual intercourse, they gave us a high idea of their qualities—industry, after their own style, not being the least conspicuous. They seemed to me to be *the most valuable people for this characteristic that I had met.* Their fishing canoes we witnessed coming in and going out continuously, and while the people traded with us, they continued to pursue the knitting of haversacks, hats, fish nets, or twist twine, after the industrial manner of the traditional grand dame of England."

"As in the old time, Umangi, Mpissa, Ukere, and Opoto, from the right bank, and Mpa, from the left bank, despatched their representatives with ivory tusks, large and small, goats and sheep, and vegetable food, *clamorously demanding that we should buy from them.* Such urgent entreaties, accompanied with blandishments to purchase their stock, were difficult to resist." . . .

Results of peaceful barter.

(On his return voyage to Europe he calls at some of the British settlements on the West Coast, and his fancy pictures how the chiefs and people of the Congo will be similarly enriched through the beneficent growth of trade.)—"But at Duke Town and Creek Town I observed a sight which was priceless to me. I saw that the residences of the native chiefs had been constructed in England, and transported section by section and erected here—one costing £4,000, one £3,000, one £2,000. *This was the result of peaceful barter of palm oil*—corrugated iron buildings for African chiefs. They were furnished, too, in European style, with carpets, chairs, mirrors, and window curtains. . . . I can conceive NGALYEMA, MAKABI, BANKWA, IBAKA, MANGOMBO, MUGWALA, MATA BWYKI, and a host of other Congo chiefs ordering corrugated iron houses and furniture from Europe for *their ivory, their palm oil, their rubber, their gum, camwood powder, orchilla weed, beeswax, grains, and spices.* Duke Town shewed how remarkable a civiliser is fair trade. There is no Government here. Now and then a man-of-war steams up and returns. The Consul was absent, but still all lived in unity and concord." . . .

The populous Lake.

"Two-hundred-and-fifty miles above the Kwa the Lukanga is discovered, which leads us into Lake Mantumba, whose *populous shores must not be neglected by the future trader in the Upper Congo.*" . . .

A record of destruction.

(Bolobo, with its great trading population of 40,000 souls, is reduced to-day to a place of 7,000 broken people. Its flourishing industries have vanished. Irebu, the "Venice of the Congo," whose inhabitants were versed in all the subtleties of the African trade, has totally disappeared; a military camp occupies its ancient site. Of the natives of the Aruwimi country, Vice-Consul MITCHELL recently reported that they regard themselves as "practically enslaved: the incessant call for rubber, food and labour leaves them no respite nor peace of mind." Death and decay mark the "populous shores" of Lake Mantumba: its former inhabitants have been extirpated by rubber wars, fish taxes and forced copal collection. Never, perhaps, in two short decades has such havoc been wrought in the destinies of a native people. E. D. M.)

What Stanley told Manchester as to the commercial aptitude of the Congo natives.

The same testimony to the commercial capacities of the Congo races breaks through every discourse made by STANLEY, hot-foot from Africa, in which he pleads before British audiences the cause of the International Association.

"The clever, practical people of Manchester ask me: '*And what can the natives give us in exchange for our cloth?*' I answer that the country is peopled by about 43,000,000 of native Africans, who, from our experience among a million of them, lead us to believe will prove as amenable to reason and prudent treatment as any natives we have encountered. As we have ascertained that along 2,030 miles of river bank there dwell 806,300, we may estimate, then, that 2,448,300 souls inhabit the banks of the navigable mileage of 6,000 miles, or 12,000 miles of river shore. These 12,000 miles of Congo banks excel in quality the sea shore. In this book I speak of having found oil palms and rubber creepers, the dyeing powder of the redwood and of the orchilla weeds, of copal deposits and forests of gum-producing trees at every place I visited. *I speak of eager native traders following us for miles for the smallest piece of cloth. I mention that after travelling many miles to obtain cloth for ivory and redwood powder, the despairing natives asked: 'Well, what is it you do want? Tell us and we will get it for you.'*"

"The Congo possesses forty millions of moderately industrious and workable people, which the Red Indians never were. The cautious trader, who advances not without the means of retreat; the *enterprising mercantile factor, who, with hand, receives the raw produce from the native in exchange for the finished product of the manufacturer's loom*—the European middleman, who has his home in Europe but has his heart in Africa, is the man who is wanted." . . .

"Whatever interest we may profess, after all, in this many-hued splendour of the tropic bush, in the variegated beauty and overflowing vegetable life on these river isles, in the bountiful wealth of the Congo forests, it is but secondary to that which we must feel for the human communities, the muscles of whose members have a more immediate and practical use to us. For without them the flowers, plants, gums, and the dye woods of the tropical world *must ever remain worthless to them and to ourselves.*" . . .

"We wish to secure *equal rights* for all, *and the utmost freedom of commerce.* . . . Commerce cannot expand in a new-born region like the Congo if not relieved of all fear of that dread Portuguese tariff. The purpose of the Association is *to compel commerce and industry to follow it eagerly by the very inviting prospects held before commercial and industrial enterprise.*" . . .

His remarkable prophecy.

And as a final quotation from STANLEY's writings and speeches, one may give the remarkable prophecy which, unknown to himself, he uttered when urging, four years later, EMIN PASHA to take service under the Congo State flag:—

"Now consider the Congo State, which has extended itself much more rapidly than Egyptian. . . . Not a shot has been fired, no violence has been offered to either native or trader, not a tax has been levied, except at the seaport where the trader embarks his exports. Native chiefs . . . . united under the blue flag with the golden star. Why? . . . . every eatable they could raise and sell brought its full value to them of such clothing and other necessaries as they needed. Whatever trade they had—ivory, rubber, palm oil, or kernels—was free and untaxed, and their native customs, or domestic matters, were not interfered with. It was founded without violence, and subsists without violence. *When*, however, the Congo State initiates another policy, taxes their (the natives) trade, lays hands upon ivory as a Government monopoly, meddles with their domestic institutions, absorbs tyrannically all the profits of the European trader . . . gathers about its stations sufficient physical force to enable it to do so with impunity, the *Congo State will collapse* just as disastrously and as suddenly as was the case with Egyptian authority."

Belgian dictums.

But it is not only STANLEY whose words stand out as an enduring condemnation of those who, in the face of the world, seek to-day to perpetuate the legend of a race with no conception of property or commerce, "sunk in incurable idleness," [1] "essentially lazy and indifferent," [2] "not entitled to anything," [3] "only respecting the law of force and knowing no other argument than terror."[4]

Herbert Ward and Coquilhat, 1880-6.

Mr. HERBERT WARD writes, for example, in his well-known book :—

> "The rocky banks and tree-hidden bogs concealed no worse foe than the keen Bateke or Byanzi trader, thirsting not for the White man's blood, but for his cotton cloths and bright brass rods, and anxious only to get the better of him in bargaining."

The Belgian traveller COQUILHAT, writing in 1886, bears witness to the fact that the trade in ivory was already well understood as far inland as the Lulanga. He describes in detail the lengthy bargaining process habitual with Bangala traders. He enumerates the goods paid to a native trader for a tusk 63 lbs. in weight,[5] and adds :—

> "I admit that under present conditions of trade, the natives must be imbued with great enterprise to explain their lengthy business travels and their opening of relations with distant tribes. The inhabitants of the Upper Congo have never seen the coast. The trading tribes travel 120 to 150 miles north and south of their homes and exchange their produce with other tribes who, in turn, sell it to others—thus there are numerous intermediaries."

Native currency proof of commercial development.

The trade with the Lower Congo had led to the introduction of a regular currency in red copper all along the upper River. This red copper came from the copper mines in the French Congo (Manyanga). With the advent of Europeans into the upper River, brass rods soon superseded the red copper currency. Similarly, in the Kasai district the *croisette*, or piece of metal in the form of St. Andrew's cross, had been introduced, probably for several centuries, by the Portuguese. In the Cataracts district small pieces of native cloth, manufactured from palm or pine apple fibre; in some parts of the main river the Bohemian blue bead, "matar"; in the Luababa and round Lake Albert the natives, like the early Romans, used iron hoe-heads of local manufacture as currency; in the Welle, cowries had found their way from the East Coast and were adopted as currency; in the Katanga the well known copper cross held sway.

---

1 M. Woeste, dictator of the majority in the Belgian Parliament (in the Belgian House, 1906).
2 King Leopold in bidding adieu to a party of British Catholic Missionaries (in 1905).
3 M. de Smet de Naeyer, ex-Belgian Premier (in the Belgian House, 1906).
4 President of the Supreme Court of Justice in the Congo (in 1903, Caudron judgment.)
5 One length of blue cloth, 2 of blue cotton, 2 of white cloth, 1 empty bottle, 2 iron buckets, 1 bell, 1 small mirror, 1 length cloth, 1 fork, 1 spoon, 1 plate, 300 cowries, 6 measures of pink beads, 20 of white beads, 120 lengths of brass wire.

What clearer proof could be adduced of an essentially trading population whose present rulers, nevertheless, tell the world is too degraded to accept silver tokens with the features of an alien and benign over-lord stamped upon them?

Sir Harry Johnston and the Bayanzi Ivory Merchants, 1884.

Sir HARRY JOHNSTON (then Mr. Johnston), writing in 1884, refers to the sale of ivory by the Bangala to the Bayanzi (Byanzi) for "cloth, beads and guns." The Bayanzi would seem to have been at that time the real ivory merchants of the Upper Congo. They travelled large distances in their canoes and bought from all who would sell. They disposed of the ivory to the Batekes—who were, above all, middlemen—against European goods, chiefly cloth and salt, obtained by the Batekes from the Ba-Congo caravans to which they sold the ivory brought from the Bayanzi. The Bayanzi having got rid of their ivory then started up river again with European goods on a further trading expedition, taking due care, doubtless, to make a substantial commission on the sale. The evidence which is available shows that the Batekes at this period often held very large stocks of cloth—sufficient bales to fill several huts from floor to ceiling. Apart from trade requirements they used a good deal of cloth themselves for funeral puposes.[1]

Captain Hanssens, 1882.

Captain HANSSENS (*vide* Part I.) writing in 1882 calls attention to the trade in ivory at Stanley Pool between the Bateke and Bayanzi.

The Kwango and Kasai Rubber and Ground Nut Trader, 1870.

Belgians do not contest the fact that the natives of the Kasai and Kwango were selling large quantities of rubber and ground nuts to Europeans through native middlemen merchants long before the International Association was created. Until European merchants, as stated in Section I., moved up the river, most of this rubber eventually found its way to Ambrizette and Kinsembo; with their advent into the lower River, the trade was gradually deflected towards Ango-Ango, Kola-Kola, and Matadi.

The ground nut trade dates back a considerable period. It was (and still is, what remains of it)[2] largely in the hands of the Dutch House ("N. A. H. V.") It is noteworthy that as early as *1882* the Dutch House was trading directly with the natives in rubber, ivory, and ground nuts at Stanley Pool.[3]

---

1 It seems a well established fact throughout tropical Africa that the more winding sheets can be wrapped round the body of a defunct, the greater is the evidence of the respect in which he was held by his relatives. It is even now considered an outrage on the Congo to bury a body without a covering of some sort. These ideas are olosely connected, of course, with Ancestral worship which forms the basis of nearly all natural African religions, and is another reason explaining the veneration of the people for their land.

2 In the lower river only, of course.

3 "Ground nut cultivation was universal throughout the Cataracts region. The natives sold the nuts to the European trading stations for salt, which they sold to the tribes in the interior for rubber."
—(Bull. Off., June, 1896.)

Internal commerce. I have purposely refrained from referring to the bulky evidence available as to the natural trading instincts of the natives which is provided by the testimony extant at this period of the ramifications of their internal trade in fish, pottery, basket work, cowries, salt, copper, iron, agricultural implements, weapons of war and chase, and so on, for these articles do not form part of the Congo's exportable produce having commercial value on the markets of the world. This internal trade lies, therefore, outside the present discussion, save in the general sense of indicating the normal existence of trading proclivities amongst the natives.

The evidence of the Protocols of the Berlin Act. In conclusion there is hardly a Protocol of the Berlin Conference which does not bear witness on the part of the Plenipotentiaries of the Great Powers to a knowledge of the existence at that period of a large Afro-European trade in natural produce on the Congo, and of a desire to place the native in a position to develop it still further, not only in peace and freedom, but unhampered even by monopolies and tariffs.

As has been remarked already, the proceedings at Berlin would, in view of their professed object, have been deprived of *raison d'être* but for the conviction held by all the Powers that in the population of the Congo, the Western world had to deal, in the words used by STANLEY himself at the Conference, with a race of "born traders," gathering the produce of their ancestral lands for the European markets in the necessarily limited manner then open to them, and eagerly awaiting the increased demand for their produce and the increased facilities for disposing of it, which would accompany the White man's establishment in the upper River.

Yet only last month (December, 1908) M. WOESTE, leader of the Parliamentary majority in Belgium, declared to the House that neither commerce nor industry were known to the Congo natives before the creation of the "Congo Free State."

SECTION C.

The expansion of the Interior Trade which followed the creation of the International Association until its extinction by the Edicts of 1891-2.

Stanley's prophecies come true.

With the recognition of the International Association by the Great Powers, and the entry among the family of States of a "Free State" of the Congo, purporting to have as its load-star the civilisation of Africa by "encouragement to legitimate trade," STANLEY's predictions to the natives as to the increased facilities for the disposal of their produce, which would follow the acceptance of the Association's suzerainty, were realised.

Trading Companies were formed, whose directing spirits were Americans, Belgians, Dutchmen, Englishmen and Frenchmen (the capital being mainly Belgian), using Stanley Pool as their base of operations, and founding station after station along the main river and its tributaries.

Natives' eagerness to dispose of the produce of their lands, 1885.

The newcomers found, by personal experience (as STANLEY had himself proclaimed), how eager was the native population to increase its commercial relations with the White man; and how well-acquainted were many of the riverine tribes with the intricacies of the West African trading business. Ivory and rubber were eagerly bought and sold. Where the native had not become acquainted with the European demand for rubber, rubber-bearing trees and vines were pointed out to them, and they seized with alacrity[1] upon this means of enriching themselves—just as, throughout the modern commercial history of the whole of Western Africa, the natives have acted in regard to rubber and other articles of commercial value, whenever the demands of European industry became known to them and markets became accessible to them.

---

1 In a letter to the writer, written two years ago, Mrs. Ruskin, wife of the well-known Missionary of that name, thus describes the beginning of the rubber trade at Bongandanga, on the Lopori river, 1,500 miles from the coast: "It is most interesting to hear the Bongandanga people tell of the beginning of the ruhber trade. How wonderful they thought it, that the White man should want rubber and be willing to pay for it. How they almost fought for the baskets in order to bring it in and obtain the offered riches."

The argument of the Vandal, 1908.

The argument which has so frequently been heard in the Belgian Parliament, and which, moreover, is incorporated in the laws of the Congo State, to the effect that because the native tribes of many parts of the Congo territory were not aware of the commercial value of rubber before the White man actually arrived amongst them, therefore they were not, and are not, entitled to trade in it when its commercial value became known to them, is the argument of the Vandal. If it is applicable to rubber in the Upper Congo it is applicable to every other article of export from every part of tropical and sub-tropical Africa. If the twentieth century civilisation of Western Europe is prepared to admit that the act of revealing the wealth of their land to races less advanced justifies the appropriation of that wealth by the revealer, then, indeed, are we witnessing a reversion to ideas more barbarous than those of the primitive peoples of the Equatorial forest.[1] Yet the Belgian Government is perpetuating this monstrous conception.

Trading Stations along 1,000 miles of river frontage, 1890.

By 1890 trading stations were dotted up and down the Congo as far as the Aruwimi, the Mongalla (Black River), the Maringa, Lopori, Ituri, etc.,[2] and trade was expanding rapidly.[3]

Wolf's evidence from the Sankuru, 1887.

Writing in 1887-8 of the Sankuru (the great eastern affluent of the Kasai) Dr. WOLF (Wissman's companion) calls it "a very important fluvial route from the commercial point of view." The ivory trade had penetrated even to this distant region. "We saw—writes the German traveller—natives arriving with ivory nearly each day." On the other hand the Sankuru natives had not then become acquainted with the value of rubber as a trading article.

On the Kasai, 1890.

"In the Kasai—writes a Belgian authority a year or two later—the ardour of the natives for trade is not less. The steamers which ply along the river are followed nearly every day by natives who, paddling hard, to keep abreast, offer produce of all kinds. On the banks the same sight is seen, when the steamers pass to landing places of the villages which become covered with a sympathetic crowd exhibiting native cloths, wood for fuel, goats, fowls, bananas, manioca, etc."

---

1 There is a passage in Father Vermeersch's book, worthy of note in this regard. He describes the argument in question as "radically false, and, in our opinion, contrary to all the rules of European law. The owner of the soil is entitled to the enjoyment of all its fruits, both those which he is actually using, or those which later knowledge or opportunity may cause him to use. . . . Where would the contrary principle lead us to?" But, as has been shown in Part I., the European rulers of the Congo regard themselves as owners of the soil—not the natives.

2 Vide "*King Leopold's Rule in Africa*" (E. D. Morel),: quoted extracts from letters of merchants in the Upper Congo.

3 According to M. Wauters, the total of rubber exported from the upper River, which had been 30,650 kilos in 1887, rose to 133,600 kilos in 1890.

The blow falls, 1901. In 1901 the blow fell. The infamous Edicts were promulgated by which the produce of the land was declared to be the property of the Government; the natives who collected it for sale to the White man, denounced as poachers upon the property of others; the White man who bought it, denounced as a receiver of stolen goods and threatened with condign punishment.

Only several years later, when an instructed Public Opinion compelled attention to the root cause of the abominations which were occurring all over the Congo, was the "juridical" defence put forward for this sweeping appropriation, enforced by violence, of the commercial produce of the Congo; the defence which it is the purpose of this Memorial—if happily such may be its effect—finally to destroy, viz., that the land outside the sites of towns and villages and adjacent food plantations possesses no native owners, and hence that the produce of the land is the property of the Administration and its financial partners.

Belgian protests against the Edicts. It would be going beyond the natural limits of this Memorial to deal with the immediate effects of this economic revolution. Suffice it to say that the merchants protested:—that M. BEERNAERT, M. EMILE BANNING, and Baron LAMBERMONT, signed a joint demonstration to the KING: that the Governor-General, M. JANSSEN, resigned:[1] that Colonel THYS, Messrs. BRUGMANN, URBAN, PARMINTER and WAUTERS, the pioneers of honest Belgian trade in the Upper Congo, filled the Belgian Press with their denunciations.

"To deny"—declared these gentlemen—"to the natives the right to sell ivory and rubber produced by the forests and plains belonging to their tribes, which forests and plains form part of their hereditary natal soil, and with which they have traded from time immemorial, is a veritable violation of natural rights."

But no governing Statesman seemed at the time to have perceived the vital principles at stake or to have realised the inevitable aftermath. No one arose to instruct Public Opinion. Belgian protests against the actions of Belgium's ruler were regarded as a family squabble, and the Belgian Companies, which held out as long as they could, were forced, unsupported, to come to terms.[2]

---

1 Cattier, p. 63.
2 In doing so, says Professor Cattier, they "sacrificed the future."

System pursued with increasing ruthlessness in Africa and defended with increasing boldness in Europe.

The system thus inaugurated was prosecuted with relentless vigour and machine-like regularity: the Congo territory became a gigantic property pillaged by slave labour for the benefit of a handful of individuals in Brussels and Antwerp—the scene of unimaginable atrocities, enormous depopulation, and appalling human misery. Concurrently with the daily consequences of a System of exploitation pursued in the Congo, which recalled the darkest periods of the Middle Ages, the apathy of the Great Powers bred a corresponding feeling of security among the Beneficiaries of the System in Belgium who, with every year that passed, avowed their aims with increasing cynicism and defended their "System" with increasing boldness, until little by little the mask of a philanthropic purpose was wholly flung aside.

The final avowal.

By 1903 the "Congo Free State" had advanced sufficiently on the path of avowal to describe itself publicly as the "owner" and "landlord" of the land of the Congo and its commercial products, to contend that these commercial products were *its property* and not the constituents of commercial dealing between the Native population and the outer world, and that *it* and *its* financial partners had appropriated the *whole of the land.*

"The (British) Note confuses trade with the development of *his* property by a *landlord.* The native who gathers products for account of *the owner* does not become the owner of the harvested products, and, naturally, cannot dispose of them to others. . . . As a matter of fact, however, the appropriation of lands worked on Government account, or by the Concessionnaire Companies, is an accomplished fact. . . . *There are no longer any unappropriated lands there* (in the Congo)." [1]

Thus was the colossal act of piracy shamelessly avowed and the passage of TACITUS made applicable, on their own showing, to the rulers of the Congo:—

> "Auferre, trucidare, rapere falsis nominibus imperium, atque ubi solitudinem faciunt, pacem appellant."

Consistently defended by Belgian Ministers.

It is necessary to recall once more that the legitimacy of this system of pillage has been consistently defended by successive Belgian Ministers and by the Political Party then, and still, in power under the leadership of M. WOESTE. The Belgian Parliamentary Debates for 1903 and onwards contain sufficient testimony to this effect to fill a substantial volume.

No surprise need be felt, therefore, if to-day the Belgian Government (and its Parliamentary majority) having annexed the Congo, is perpetuating, in the name of Belgium, the system which its predecessors defended, upheld, and covered with the mantle of a moral complicity.

---

1 Congo State's Memorandum, September 17th, 1903, replying to Lord Lansdowne's Note.

What has been established.

I make bold to have established :—

I. That the native races of the Congo had utilised the produce of their land, having commercial value in the European markets, for purposes of trade and commerce from time immemorial.

II. That this interchange of commercial relations between the native races and the outer world, based upon the utilisation by the natives of the produce of their lands, had become considerable and had acquired wide ramifications when STANLEY, HANSSENS, and others, negotiated the Treaties of Suzerainty with the native rulers on behalf of the International Association, and was giving rise to native activity over, at least, a thousand miles of river frontage in the interior of the Congo: that it had already led, in many parts of the country, to the creation of a currency.

III. That upon the advent of European merchants into the Upper River subsequent to the recognition of the International Association by the Powers, the area of this commercial relationship widened still further; natives who had already participated in it, and those who had not had until then the opportunity of doing so, alike embracing the new conditions with great eagerness.

Part III.

POST-SCRIPTUM AND CONCLUSION.

In which the dishonesty and untenability of the Belgian claim to the land of the Congo is demonstrated; in which the form which native ownership of land takes in the Congo is shown, and in which evidence is produced from all over the Congo proving the existence of well-defined native tenure in land.

CONTENTS.

In claiming the land and its produce, the Belgian Government is acting in opposition to civilised usage (p. 41)—The artificiality of the Land "Question" (p. 42)—Belgium has merely to revoke paper legislation by paper legislation (p. 42)—Native rights in land unaffected by Belgian claims (p. 43)—Native Ownership in land exists all over tropical Africa (p. 43)—Its Character (p. 44)—Communal Ownership (p. 44)—Similar conditions in the Congo (p. 44)—Evidence of Belgian Missionaries (p. 45)—Evidence of M. Vandervelde (p. 46)—Evidence of Schmitz and Von Wissmann from the Sankuru-Lomami (p. 46)—Evidence of Belgian Officials from the Welle (p. 47)—Evidence of de Clercq, Gilmont and Diederrich from the Mayombe (p. 47)—Evidence of Casement and Scrivener from Bolobo (p. 48)—Evidence of Hanssens from Stanley Pool (p. 48)—Evidence of Scrivener and Whitehead from Lukolela (p. 52)—Evidence of Bond from the Lulongo and Ikelemba (p. 48)—Evidence of Harris and Padfield from the Lopori-Maringa (pp. 49-51)—Evidence of Beak from Katanga (p. 49)—Appropriation of land and produce, an incitement to civil war and cannibalism (p. 50).

Post-Scriptum to Part III.

The part played by the land in the economy of the Natives (p. 53).

Conclusion.

(P. 56).

PART III.

What the Belgian Government is doing.

In defending their appropriation of the produce of the soil, possessing commercial value on the markets of Europe, by alleging the non-existence of native ownership in land outside the limits of native villages and food plantations, the present European rulers of the Congo are not only violating the Treaties with native rulers, thanks to which and to the consent of the Great Powers, they come to be in the position they now claim. Nor are they only infringing International Treaty rights. They are also acting in opposition to recorded facts as to native laws and customs—partly made public by their own countrymen; partly, indeed, by their own officials. Finally, they are acting in opposition to ordinary civilised usage.

Except in the French Congo, during late years, when a modified form of the Belgian system has unhappily been adopted,[1] the rights of suzerainty obtained by the Great Powers over Native Communities and the administration exercised by them, are utilised and directed to the extension and improvement of commercial relations between their African protected subjects and the outer world.

What the Great Powers are doing.

They have not pirated the wealth of their native subjects, and they have not, therefore, found it necessary to defend such piracy by the preposterous contention that native ownership in land stops at the threshold of the native's hut, and at the limit of his banana grove or cassava farm. They have, on the contrary, assisted and encouraged the native to harvest the natural produce of his forests and his plains; to collect his rubber and his gum copal, his palm oil and his palm kernels; to cultivate his cocoa, his ground nuts, maize and cotton for export; to hew down his mahogany tree. They are now teaching him to improve his methods of cultivation and preparation; inducing him to make plantations of valuable economic plants[2] to replace the exhaustion of wild ones; helping him to understand that not only his actual prosperity but his future welfare are bound up in his land and its fruits.

---

1 With what unfortunate results is now public property. The De Brazza Mission; the debates in the French Chamber; the articles of M. Challaye in *Le Temps*; the books of M. Pierre Mille and the first named; the terrible volume of M. Chevalier; the foundation of the French Branch of the League for the defence of the natives of the International Basin of the Congo; the reports of the Members of Parliament, Reporters for the Colonial Budget (M. Dubief in 1903, M. Messimy in 1908); and the melancholy occurrences of 1907 and 1908—these things tell their own story.

2 As M. Roume's *Arrêté*, of February 1st, 1905, puts it:—"In the rubber producing regions, plantations can be made round the villages . . . by the care of, and for the profit of, their inhabitants. These plantations . . . will be regarded as the communal property of the inhabitants who will look after them." (M. Roume was then Governor-General of French West Africa.) Our own methods are sufficiently well-known not to require illustration.

The Belgian Government's claim to the land—an absurdity.

I would beg leave at this point to direct attention once more to the artificiality with which this so-called land "question" is invested. As I ventured to point out to H.M. Government on a previous occasion,[1] the question of native tenure in land on the Congo has become of vital import to the native races—and, incidentally, to civilisation—*only* because the European rulers of the Congo lay claim to ownership of the land's produce, justifying their claim on the ground that the land is without native owners—"vacant." Viewed by itself this appropriation on paper by a number of gentlemen sitting in Brussels, of hundreds of thousands of square miles of land in the African tropics is an absurdity. The land of the Congo is of no use to the Belgian Government or its financial friends. *The Belgian Government cannot occupy the land; it cannot place its own citizens upon the land; its own citizens cannot populate the land or harvest its riches. The Belgian Government can do nothing with the land of the Congo.* The fact that the late Congo Government claimed the land—by a mere act of volition—and that the Belgian Government perpetuates that claim—again, by a mere act of volition—does not alter the position of a single tree, the growth of a single vine, the course of a single stream on the Congo. It does not do away, *in fact*, with native ownership in the land. It does not annul the immemorial rights of the native population nor destroy its tribal boundaries and tenure. In itself the claim is the negation of common sense. It is only because of the purpose for which it is advanced that necessity arises to demonstrate that it is the negation alike of morality and of Law.

The Belgian Government has merely to revoke paper legislation by paper legislation.

It would seem not inadvisable to recall these truths, in view of the statements that have been made during the past few months to the effect that, in order to undo what has been done, the Belgian Government would be compelled to take a concerted series of measures of the most formidable and perplexing character; that the land of the Congo has been appropriated *in fact;* that it has been actually handed over to others who are now using and occupying it; that an original expropriation at the expense of the natives would have to be followed by another expropriation, this time at the expense of Europeans; that a new Government cannot be expected to adopt such far-reaching measures save by slow degrees, and so on. This is but a series of attempts to beg the question. The land of the Congo has remained as it was before the Belgians arrived in the country. Just as the claim to it is a paper claim, so the issue of fresh paper can rescind that claim; just as the claim is a mere act of volition (not a constructive administrative measure involving the sinking of large sums in the erection of public works, extensive systems of irrigation or agricultural experiments on a large scale); so by a mere act of volition, the claim can be abandoned. Save in the infinitesimal areas where Government or Concession stations have been built, or Government and Concessionnaire

1 Letter to Foreign Office, July 21, 1908.

rubber and coffee plantations established, the land is neither occupied nor utilised by Europeans. In itself the abandonment of the claim over the land would alter nothing *on the Congo*. All that such action would do would be to deprive the Belgian Government, for polemical purposes in Europe, of its "juridical" defence to the appropriation of the produce of the land having commercial value on the world's markets.

Position on the Congo will not be changed until European rule ceases to be parasitical.

The position on the Congo will not be changed until the Belgian Government ceases to treat, in practice, the produce of the land as *its* property, and ceases to compel the native population to harvest that produce for the joint benefit of itself and its financial partners. In other words, nothing will be changed on the Congo until commercial relations between the natives and the outer world, destroyed by the Edicts of 1891-2, are restored; and these can only be restored by recognizing, in practice, the proprietary rights of the natives in the fruits of the soil; until, in fine, European rule on the Congo ceases to be represented by a parasitical Administration, maintaining itself and permitting its financial partners to enrich themselves by the systematic pillage of the country's wealth through the slave labour of the country's inhabitants, and becomes an Administration in the proper sense of the term.

Recognition of native ownership in land the foundation stone of European rule in the African tropics.

It has been remarked above that native ownership in land must needs be the foundation stone of all normal European rule in the African tropics, because the economic object of normal European rule is the development of commercial relations, and because any commercial relationship between the European and the native is impossible, unless the native has articles to sell with which to purchase manufactured goods—those articles being the products of his land having commercial value on the markets of the world. H.M. Government have illustrated this truth by explaining the nature of British rule in the African tropics.[1]

In this connection H.M. Government have pointed out that: "On the West *Coast* of Africa, fairly well defined tribal divisions have existed almost from time immemorial." I would beg leave to supplement that quoted passage. These "tribal divisions" are not peculiar to the "Coast" regions. They extend right through the forest belt which separates the coast from the uplands of the interior. They extend to those uplands. The Land Tenure Commission, now sitting at the Colonial Office to investigate the question as it affects Northern Nigeria, is finding that the same rule holds good, both for the Mohammedan and Pagan zones in that great Protectorate which reaches to the shores of Lake Chad. Nor is a well-defined tenure in land peculiar to the British possessions. It is common to the whole vast

---

1 Africa, No. 5, 1908.

area of Western Africa, wherever there is population ; to whatever European overlordship the country has become subjected since the "Scramble."

And it is equally common to the Congo region, as will be here shown.

No "unowned" land where there is population.

Speaking generally, throughout tropical Africa, there is no such thing as unowned [1] land, where there is population. The public writings of the most authorised exponents of Native Customary Law in tropical Africa—ELLIS, SARBAH, MARY KINGSLEY, BALLAY, DE BRAZZA, CLOZEL, BINGER, VILAMUR, DELAFOSSE, RAYNER,[2] HEALY,[3] DARESTE, BOHN, BLYDEN, ZIMMERMAN : the universal experience (much of it recorded) of African administrators, missionaries, and merchants—are conclusive and cover virtually the whole of Western Africa from the Senegal to the Congo.

Native tenure in land takes the form of communal ownership.

And what form does this native land tenure, this native ownership in land which no one disputes except—so far as the Congo territory is concerned—the Belgian Government and its interested allies, actually take? Here, again, the evidence is voluminous and conclusive. With few exceptions, native tenure takes the form of communal ownership of the land and its fruits; a form proper to the condition of native society where the whole social structure is patriarchal and communistic, outcome of inherent usage, immemorial custom and racial necessities. In certain regions, a feudalism has developed and the land is owned by the King and nobles; but this is the exception. In certain regions, too, individual tenure is found existing side by side with communal ownership; but this also is the exception. This native ownership in land, which is admitted and recognised, is, then, communal in form.

Does a different state of affairs prevail on the Congo? Does a practice common to the whole of the tropical regions of Africa outside a certain territory—which passed under the suzerainty of the King of the Belgians precisely because his Agents produced documents to prove that the native rulers did possess rights over the land and its produce—stop short at the frontiers of this territory?

---

1 A moment's consideration suffices to show the dishonesty—from another standpoint—of describing, in Europe, land in Africa as "Vacant," "Unowned," "Unoccupied," as a justification for appropriating the produce which grows upon it, when it is borne in mind that this produce could not be obtained by the appropriators if the land were "vacant." The theory, indeed, is self-destructive. As M. Messimy, the Reporter for the French Colonial Budget (*Op. cit.*) judiciously remarks in his condemnation of the concession system: "Lands which are truly 'vacant' are inexploitable for lack of labour." But the fact that there is no such thing—or very rarely—as "vacant land" in native customary law does not mean that it is impossible or inexpedient for European administrations, by arrangements with the local rulers, to create forest reserves; to acquire leases for specific purposes; to introduce European enterprise, which shall, in co-operation with native enterprise, regulate and systematise production; to take preventive measures against too frequent and careless bush-firing; to set aside specific areas for experimental purposes; and, in short, to carry out the natural work of an honest administration. All this can be done, and is being done, in many parts of Western Africa—notably in Southern Nigeria—without undermining or ignoring native tenure, and, in the measure in which the native has confidence in the White man's honesty of purpose, he assists the White man in these efforts. The last Forestry Report for Southern Nigeria may be profitably perused.

2 Quoted by Dareste.

3 Quoted by Dareste.

The Belgian Government has only to consult the works of Belgians.

All the Belgian authorities on Congo affairs answer these queries in the negative. Indeed, the Belgian Government has but to consult the works of its own compatriots to find in the facts they adduce an implicit condemnation of its fantastic theories. Belgian experts in Belgium, Belgian Officials, Belgian Missionaries, Belgian travellers are in accord with Foreign Consuls, Missionaries and travellers.

Father Vermeersch gives the evidence of Belgian Missionaries.

Father VERMEERSCH, who has access to the reports of the Belgian Missionaries on the Congo has, perhaps, summed up the situation there obtaining, better than any other Belgian authority, with the exception of the Leader of the Belgian Labour Party, M. ÉMILE VANDERVELDE, and of M. GEORGES LORAND, the Leader of the Progressive wing of the Liberal Parliamentary Party.[1] He has been assisted in his task of exposition in Belgium by Fathers CUS and VAN HENCXTHOVEN — Missionaries with a lengthened Congo experience.

> "The natives—writes Father Vermeersch—interpret property in collective form; the community being the village or tribe. This tenure extends over all the territory in which the Chief exercises jurisdiction. The limits are clearly defined. It suffices to put this question, 'To whom does this land belong?' To obtain the answer 'It belongs to such and such a Chief, as far as such and such a place.' . . . Among the Congo natives, occupation is, no doubt, usually collective; but this occupation is as entitled to respect as any form of individual occupation. Land cannot be assumed to be vacant. In Africa the forests belong to the tribes."

Father VERMEERSCH declares—and this testimony, which is most important, is corroborated by the British Missionaries[2]—that the Catholic Missions have usually made arrangements direct with the Native rulers when founding their Stations, and he asserts that they never experienced any difficulties in obtaining the lease of sites for the purpose.[3] Quoting from a report sent him by the Belgian Mission in the Kwango, Father VERMEERSCH says:—

> "In the portion of the Kwango where we have laboured for 23 years, the land and the forests are the secular property of the natives. I am told that it is the same in the Upper Kwango and Kasai."

"To whom does the rubber belong?" asks the Belgian Father.

So far as the Kasai is concerned, this is corroborated in letters I possess from the American Missionaries.

> "To whom—continues Father VERMEERSCH—does the rubber which grows upon the land occupied by the natives belong? To the natives and to no one else without their consent and without just compensation. We acknowledge with much regret that the appropriation by the State of so called vacant lands on the Congo confronts us with an immense expropriation."

---

1 The two Members of the Belgian House who really understand the question.

2 See p. 48.

3 In other words, they have acted in conformity with the Decrees of Governors-General Sir Francis de Winton and Cam Janssens, already quoted, issued at a time when the European rulers of the Congo had not patented their theory of non-native ownership in land.

And the Belgian Father quotes the jurist, VAN BLUNTSCHLI:

> "Territorial sovereignty does not infer ownership of the soil. But by virtue of its sovereignty the State has the right to dispose of the land which is without owners."

I am not competent to judge of the juridical authority of this writer, but the passage quoted is almost[1] identical with STANLEY's Treaty with the Chiefs of Palaballa.

Professor Cattier.

Professor CATTIER is no less emphatic. He terms the System inaugurated by the Edicts of 1891-2 the "organisation of spoliation."

M. Vandervelde's emphatic testimony.

M. EMILE VANDERVELDE, fresh from his visit of investigation to the Congo, speaking in the Belgian Parliament last month, said:—

> "The State has the right to appropriate vacant lands: agreed. But are there any vacant lands on the Congo? It is possible, in certain desert regions. But what I can affirm is that I saw none. No doubt, the greater portion of the land is not covered by native villages or native plantations; but it can be asserted that, with exceptions which are, moreover, supposititious, the whole of the territory is divided between the different communities. When one visits a chief nothing is easier than to find out where his territory ends and that of another chief begins. . . . In fine, they use the collective territory of the community according to their ancient traditions."[2]

These are statements of a general character, either based upon personal experience or upon information derived from a variety of local sources. If we pass to the records of Belgians dealing with specific parts of the territory, we shall not find them less significant.

More Belgian evidence—from the Bashonge country.

M. SCHMITZ, who is certainly not partial towards the critics of the Congo Administration, writing[3] on the strength of personal residence among various sections of the great Bashonge[4] people, after recording that land is held in communal tenure, goes on to say:—

> "You will never hear a Musongo, not even a chief, say, 'This land is mine.' He will say, 'This land is ours,' and by this he means, not the population of his village, but the whole tribe. . . . The country belongs entirely to the tribe. . . . The tribes are very susceptible on the subject of their territory; their boundaries are traditional but most precise."

He produces tangible proof of native Customary law in these respects in the following passage:—

> "To-day the tribes lease their rubber forests. Thus the Bena-Lubunda lease to the Bena-Kiai the right of collecting rubber in their forests. The chiefs of the Bena-Kiai pay two belts of cowries and a cap-gun every month. The Bakele in 1906 leased to the Bala the rubber in their forests for 5 guns, 1 woman, and 2 goats."[5]

---

1 See Part I.
2 *Annales parlementaires du 17 Dec. 1908.*
3 "*Les attaques contre le Congo*," 1908.
4 Closely allied with the Batetla and Baluba, and occupying a large extent of territory stretching from the Sankuru to the Lualaba.
5 For further corroboration of this system of leasing communal lands, see the evidence of the Rev. E. Scrivener, p. 48.

Nothing could be more significant of the truth of what was urged above, viz.: that this wave of alien oppression and violence which has swept over the country has not affected native Customary law. The natives have bowed before the blast; they have died in enormous numbers; they are perishing from misery, disease and want—but they cling with the unfailing tenacity of one of the most conservative races on earth to their own Customary laws.

Von Wissman.

The German traveller VON WISSMANN writing of the same region also records the communistic character of native society:—

"All the families, he says, of the quarter (of the town) attend to the harvest in common. . . . No discussion, no quarrels; each and all take according to their wants."

Belgian evidence from the Upper Welle.

The same observations are made of the Ababua people by a number of Belgian officials whose notes have been published by Professor HALKIN, of Liège University.[1] Here are some of these notes:—

"The family is the basis of the organisation of Society. . . . The family spirit is very much developed. . . . Communal lands are delimited by a stream, one or more over-turned trees, or by some peculiarity in the formation of the ground."

Belgian evidence from the Mayombe country.

Of the Mayombe people[2] the testimony is similar:—

"While all the plantations are the common property of the village or centre. . . . each little square planted with tobacco, carefully marked out, has its owner."[3]

Father DE CLERCQ writes of the same people:—

"For commercial purposes the territory is divided into sections of different sizes, each is overseen by a village or tribal chief. . . . Tradition decides. No artificial boundary separates these commercial domains, but if one village robbed the palm trees of another it would be an act of war."[4]

The same author also says:—

"The Mayombe country is divided into an infinity of regions, each occupied by members of the same clan. . . . These regions have their precise boundaries, known and respected by the people. . . . They are bounded by a wood, a stream, a valley, a mountain. . . . If one village migrates into a region other than that of the clan no great opposition will be made, but the inhabitants of that village will always feel as if they were the hosts of strangers, and will finally return to the country they have left."

M. DIEDERRICH writes of the Mayombe:—

"The ownership of the soil is communal."[5]

---

1 In 1907, and including the evidence of Verstraeten, Vedy, Tilkens, De La Kethulle de Ryhove, etc.
2 Lower Congo; territory drained by the Shiloango, Luhuzi and Lukula.
3 Gilmont, "Congo belge."
4 "Missions en Chine et au Congo."
5 Quoted in Cyr van Overbergh, p. 371.

Roger Casement's and Scrivener's evidence from Bolobo.

We obtain a side light on the custom of one tribe to give hospitality to another upon its communal lands in Consul CASEMENT's report, where he recounts the experiences of the refugees from Lake Leopold II., who had sought and found an asylum from the persecution of the European officials, on the communal lands of the "K," near Bolobo.[1] The Rev. A. E. SCRIVENER, of the British Baptist Missionary Society, who has had twenty years' experience in various parts of the Congo, gives me the following additional information on the above[2]:—

> "At Bolobo, he writes, the Moye and Bobangi folk, living on the river banks, paid rent for years to the Batende, who lived a little way inland. This was discontinued in my time, and led to much trouble between them—such as the stoppage of all trade, the cessation of markets, and so on. On the French side, the folk inhabiting a long, low stretch of bank, flooded out regularly every year, could not shift their quarters, as the owners of the higher lands refused to grant sites. I am not defending their attitude, but merely quoting it as evidence of the way the country was parcelled out. When I visited the Lake I was pointed out the territories of the chiefs who had fled to Bolobo for refuge. Men who were then living under sufferance among the Batende had once held sway over many square miles. There were well-recognised boundaries, such as streams and watersheds. Even under the rule of the State this still obtained and made it necessary, sometimes, for people who had no rubber vines on their own lands to buy permission to collect rubber on the lands of other peoples."[3]

Belgian evidence from Stanley Pool.

A letter from Captain HANSSENS (*op. cit.*) dated Leopoldville, October 5, 1882, further illustrates these native Customary laws as to land. Explaining the presence of the Bateke Chief NGA-LIEWA at Stanley Pool, where he had settled ten years before, Captain HANSSENS says that he "had obtained from the paramount chief of the country, permission to build a village in the bay of Kintamo."

British missionaries lease land from native owners.

The Rev. A. SCRIVENER in the same communication points out that:—

> "At Bolobo and Lukolela the mission sites were purchased in the first instance from the natives, before negotiations were begun with the State authorities. The site of Bolobo was purchased piece-meal from the various owners concerned as they became agreeable, we having, in the meanwhile, to confine our operations only to those parts purchased. I believe the other sites were purchased in the same way."

Charles Bond's evidence from Lolanga.

The Rev. CHARLES BOND of the Congo Balolo Mission, who is also an old Congo resident, gives me the result of his experiences which comprise the neighbourhood of Lolanga, the Lulongo river as far as Mampoko, the Ikelmba river as far as Boyenge, and the Congo as far as Monsembe.

---

1 Africa, No. 1, 1904; p. 28 and p. 60. The "K" people are the Batende.
2 Letter in the writer's possession.
3 In the mad fear and horror which the rubber "tax" inspires, "permission" is often not asked, the "taxed" natives wandering distractedly wherever they can hope to find the vines, bloody feuds resulting. See evidence, p. 50.

"So far as my experience goes—he writes—there are no vacant lands in any part of the country. Each town- or series of towns forming a district acknowledging one head chief—knows the extent of forest over which from time immemorial it has been the custom to hunt. The boundary, perhaps a creek, perhaps a path, a rising ground, or more frequently a stream, is the margin of the territory of the neighbouring tribe. In exactly the same way, the rivers and creeks are divided for fishing purposes. . . . I have known not a few disputes over these old boundaries and hunting and fishing rights. As a consequence of the decrease of population they are not so frequent now as they were 5 or 7 years ago, but the boundaries are the same."

Charles Padfield's evidence from the Lopori.

Writing of the Lopori-Maringa basin, the Rev. CHARLES PADFIELD of the same mission remarks :—

"In this district there is no such thing as 'unoccupied land.' The term is a complete misnomer. It is impossible to find a part of the forest which is not claimed under native law and custom. No stream which is not sectionalised for the use of specific communities. Not a single group of palm trees which is not owned by some village."

Vice-Consul Beak's evidence from Katanga.

Vice-Consul BEAK, writing of the Katanga region, says[1] :—

"Little or nothing is known locally of native land tenure, for the Congo Official still remains strangely ignorant of all that concerns the native. But there are one or two obvious points which the system of land tenure in the Katanga would appear *to share in common with that obtaining in other parts of Africa.*[2] . . . . It may probably be safely said that individual property in land does not exist. The existence of collective property cannot be doubted. . . . . The boundaries of these collective lands are frequently natural; more often they appear to be purely arbitrary. But they have been sanctioned by immemorial traditions, and they are perfectly well known and recognised to within a foot's length by the natives themselves. This fact is abundantly clear to anyone travelling through the country, and it is corroborated by older residents. . . . It is the native custom for a Chief to escort the White traveller to the boundary of his territory, and beyond that boundary it would not be becoming for him to pass."

John Harris' notes from the Lopori.

The following notes, which have been prepared for me by the Rev. JOHN HARRIS, are instructive. They refer to the territories comprised within the Lopori and Maringa basins.

On the surface, and in practice, the claim of the Congo State to communal lands and produce is as complete as it is general. At the same time, however, reposing beneath that surface are the native communal boundaries, as clearly defined to-day as for generations past. This fact frequently emerges and asserts itself, to the embarrassment of the Administration itself.

When Monsieur X————, an official of the A.B.I.R. Company, destroyed the Baringa towns, the people could find no dwelling place, because, on the South, all the land came within the original communal area of the Bokeri people, and, on the North, within that of the Ekala.

The fishing rights on the river are equally well-defined, an island generally dividing the fishing grounds, but even so, one end of the island is often occupied by one tribe and the other end by a different one.

---

1 Africa, No. 1, 1908.
2 See p. 44.

That these boundaries are well-known and clearly recognised finds additional emphasis from the relations between the 'Bafoto'—little hunters (not pigmies), and the resident population. These small, but very strong, people are essentially nomadic, seldom living in huts, but wandering to and fro from the Wambala to Monpona districts, a distance of some three hundred miles. They spend their whole time hunting, and live almost entirely upon flesh, supplemented by forest nuts and edible roots. Before the great confiscation of lands and produce by the State, the chief of the hunters always sent 'toll,' in the shape of skins and tusks, to the tribe over whose lands he was at that time hunting.[1] Owing to the claim by the State and its Trusts to the ivory of the district, 'toll,' in the shape of that article, has become impossible, but the hunter-chief still loyally recognises his responsibility to the tribal landlord by sending larger supplies of meat and skins in lieu of ivory.

In general practice, tribal lands are divided by a stream, approximately half-way between two villages, and should the waters be so deep as to require a bridge, this must be built jointly by the two tribes, *i.e.* each building the near half, the last to finish being responsible for perfecting the 'joints.'"

How civil war and cannibalism are encouraged by the appropriation of the land's produce.

Mr. HARRIS's evidence is, however, especially interesting, inasmuch as it accentuates a feature of the Congo System, a direct result of the appropriation of the produce of the soil by the Administration, to which my attention was first drawn some years ago by Belgian correspondents residing in rubber districts in the Upper Congo widely removed from one another, and which has since been frequently emphasised by a number of Missionaries[2] viz: the direct incitement to civil war which this System constitutes. It seems desirable to give more than a passing reference to this feature, if only to illustrate *one* specific effect produced upon the lives of the natives by the nefarious economic policy introduced into the Congo.

As the rubber, growing upon the communal lands of one particular village, clan, or tribe becomes exhausted, so the members of that village, clan or tribe, "taxed" in this article, either by the Government or the Concessionnaires, must pass its boundaries and invade the communal lands of another village, clan or tribe, if they are to meet the demands made upon them, for the "tax" continues to be levied with the same brutal disregard of local conditions, and unless prominent attention has been drawn by the Missionaries to an individual case, no excuses for shortage are accepted. The imposed natives are, therefore, in this position: On the one side is the Belgian Official and his soldiers demanding rubber; the penalty for non-compliance varying from imprisonment in the hostage house, seizure of women and children, and the chain-gang to violence, torture, incendiarism and murder. On the other, is the violation of custom in invading the communal lands of strangers, the risks attending it, the fear of reprisals. It is not astonishing that, placed between the devil of Belgian rapacity and the deep sea of tribal resentment, the potential danger of the latter is preferred to the immediate terrors of the former.

---

1 See evidence of Schmitz and Scrivener.
2 Notably by the Rev. Kenred Smith, in reports published by the Congo Reform Association.

Indeed, no option is left to the native but the infringement of his own deep-rooted Customary laws. Sometimes the owners of the invaded territory are themselves "taxed" in rubber, and the result is a frantic struggle for possession of the vines between the invaded and the invaders. Sometimes the invaded tribe or village is an hereditary enemy of the invaders, and the result is murderous warfare. Sometimes, and several instances of such cases were cited by my Belgian correspondents, the invaders *malgré eux* are a vegetable-fish-eating tribe, and the invaded a cannibalistic tribe, and a result, to be added to the others, is a direct incitement to cannibalism as well as civil war. The ultimate consequences which follow from this forced inter-tribal warfare, are endless: reprisals go on for years. Women are captured on either side, plantations destroyed, and so on. In short, the natives destroy one another for the benefit of the alien "landlord" in Brussels and Antwerp, in addition to being destroyed singly and collectively by that "landlord's" soldiers. The measure of human misery entailed by such a System is not portrayable by a mere recording of the facts: neither is the measure of human wickedness in promoting it, to be estimated by mere vigour of denunciation.

Harris's specific cases.

The specific instances given by Mr. HARRIS are so clear that they render lengthy quotations from other communications in my possession unnecessary. Mr. HARRIS writes:—

(*a*) The genesis of the Yandjali massacre lay in the tribe which worked rubber for the State crossing the stream which, in point of fact, divided originally their communal lands from those of another tribe working rubber for the concessionnaires.

(*b*) Owing to the intensity of the pressure upon the Bangala by the Mongalla Company they were driven to seek rubber in the communal lands claimed by the A.B.I.R., thus creating constant internecine warfare between the Mongos and Bangalas. This condition of affairs brought the A.B.I.R. into frequent conflict with the Mongalla Company, which conflicts eventually forced the State itself to intervene, and "drive back" the natives within what had originally been their own communal lands.

(*c*) The people of Ekerongo and Lifumba are at constant war with those of the Juapa because the rubber, being exhausted within what was once their communal lands, they now cross the boundary into that of the Juapa folk.

(*d*) During the time of Mons. O——[1] the people of Esanga crossed the river to search for rubber in the Wala [2] district with the result that for three weeks there was warfare along the river fronts for thirty miles."

Whitehead's and Scrivener's evidence from Lukolela.

Evidence of a well-defined native system of land tenure from yet another part of the Congo is afforded by the Rev. A. E. SCRIVENER, from his personal experiences in the Lukolela district. In connection with this particular part of the Congo, attention may be drawn to a passage of great significance in the evidence of the Rev. JOHN WHITEHEAD,[3] of the same Mission, before the Commission of Inquiry, as bearing

---

1 A.B.I.R. Official.
2 The Wala district being at that time "taxed" in rubber by the Official of another of the Company's stations.
3 Organ of the Congo Reform Association, December, 1905.

upon the use still made of STANLEY's Treaties with the Native Chiefs by the present-day rulers of the Congo:—

> "Towards the close of the Inquiry," writes Mr. WHITEHEAD, "I asked permission to interrogate a witness, in order to elicit some information which I thought would interest the Commission. My object was to show the Commission how the land was divided up among the natives, and I did not wish to do so by discovering the meaning of my question to the witness. But when I got from the man the extent of the land he inherited from his forbears, and when I pointed out to the Commission that the State had taken a large part of the land and made a tobacco plantation, then—without acknowledging the man's ownership at all—they brushed my fact aside with the remark that the matter would have been dealt with in STANLEY'S arrangements with the natives. I said the natives did not understand by anything STANLEY did or said that they had parted with their land."

Of this district (Lukolela), the Rev. A. E. SCRIVENER writes:—

> "When our mission was first opened at Lukolela we found that the whole country was divided up amongst the various villages. Thus the women of a certain village could only collect firewood in certain parts of the forest, and new gardens could only be made in the territory of the villages needing the gardens. There were sometimes disputes arising out of this. Any animal killed by the people of one village in the territory of another was claimed by the owners of the land, and even when White men shot buffaloes or antelope it was the custom to give one limb to the chief of the village concerned. On one occasion I nearly got into a scrape in this way. A hunter in my employ shot a buffalo and sent its tail to me with a request for help to bring it to the station, The animal, however, was only stunned, and revived and got away. The villagers would not believe this, but thought it a ruse on the part of my boys to retain all for themselves. The other villages backed them up in their claim, and I had a lot of trouble before the affair was properly settled. The river was likewise parcelled out and fishing rights recognised. People from Bolobo were allowed to fish in Lukolela waters only on paying a sort of license fee, or on their agreeing to sell the fish to the Lukolela folk at reduced rates."

On the Lower Congo.

This experienced missionary's personal knowledge also extends to the Lower Congo. He writes of the system of land tenure there obtaining, as follows:—

> "On the Lower Congo in the old days certain ferries could only be worked by certain chiefs and villages, and sometimes caravans including white men would have to wait the convenience of the ferry people, their rights being recognised by everybody. Thus the ferry over the Mposo, close to Matadi, was the property of the Mpalabala[1] people, who for years made a good thing out of it, having to pay a certain proportion to the king at San Salvador. When I lived at Underhill, near Matadi, in 1886, we paid a monthly rental to the chiefs of the villages near by, who collected the rent not only from us, but also from the Dutch, and English, and Portuguese houses in the vicinity."

Summing up his general experiences he concludes:—

> "There is not the slightest doubt but that the whole Congo was divided among the people and the territory of each well understood."

---

[1] Pataballa.

POST-SCRIPTUM TO PART III.

The part played by the Land in the economy of the Natives.

Although I have expressly confined myself in this Memorandum to the appropriation of the land by the present rulers of the Congo, in so far as that appropriation is made the excuse for the *real object* of Belgian action, viz., the appropriation of the produce of the land having commercial value on the world's markets, a short reference may not inappropriately be made to another aspect of the matter.

How barbarous and anti-civilising an agency is the European Administration which robs the native of Africa of his proprietary rights in the land outside the sites of his towns or villages and adjacent food plantations, has been sufficiently shown in this Memorial. But what has not been shown is the intimate manner in which such a System interferes in every necessary of native life.

Sustenance. The native sustains himself by agriculture, fishing, and hunting. In various parts of the Congo he cultivates manioca, millet, rice, maize, bananas, sweet potatoes, sugar cane, sesame, sorghum, ground nuts (for food), etc. How great is the labour involved in this branch of native economy can be doubted only by those who imagine that the native has but to sit on the ground for the fruits of the earth to fall at his feet, or by superficial travellers who conclude that if they do not find the native working every hour in the day with the assiduity of a labouring man of Northern Europe, that he is "idle."[1]

By demanding his incessant labour to gather the produce of the soil of commercial value on the world's markets which they have appropriated, the European rulers of the Congo deprive the native of the means of adequately providing for his own sustenance. They do so not only in this indirect manner, but in a direct manner also, because the enforcement of their system requires the upkeep of an enormous army of soldiery and

---

1 "In February, March and April the whole population is engaged in clearing the bush for planting. . . . Forests over an enormous distance are cleared for the sowing of maize and the insertion of banana cuttings."—(Dr. Vedy, on the Ahabuas). "The plantations *sont de toute beauté*"—(De Bauw, *idem*). "The natives of the Cataracts region have immense plantations of palm trees, manioca, sweet potatoes, ground nuts."—(Laurent, Bull. Off, 1906). "The forest was cultivated for 1 to 1½ hours' march, and the plantations often as well cared for as those of Flanders"—(*Idem*, from the Sankuru to Nyangwe). "The abundance of food supplies testifies to the laboriousness of the race."—(*Idem*, Kasai). "There are great plantations of maize, manioca, castor oil, sugar cane, and ground nuts."—(De Deken). "It took five hours to cross through one Basonge centre."—(Von Wissmann)—etc., etc., etc.

workmen, their women and their camp followers (probably not less than 100,000 souls to feed). This army must be fed and the natives have to feed it. The terrible effects to which this double deprivation of native power to sustain native life has led on the Congo, needs no illustration here. They are sufficiently recorded in the official and unofficial reports made public. What applies to native agriculture for food supplies, applies to fishing and to hunting.

Agricultural necessities. Native communities, after 4 or 5 years are usually compelled to shift the site of their towns, and this for two main reasons:—(1) Sanitation, unless the town is situate on the bank of a river; (2) owing to the exhaustion of the fertilising properties in the soil. The weeds, bush, etc., growing on the worked-out soil are set fire to and the land is allowed to lie fallow until the ashes from the burning, and time, have given back to the earth the recuperative forces temporarily withdrawn. This occurs, of course, all over the African tropics, and anything which tends to restrict Native Communities in their freedom of shifting the sites of towns and food plantations tends to the promotion of disease and lack of proper sustenance.

Food, clothing, implements for daily use, medicine, lighting, etc., etc. The land outside the food plantations is the object of daily use by the natives for all the necessaries, conveniences, and pleasures of life.

Plantations of tobacco and hemp are common, especially the former. Various kinds of palm trees, the *raphia* palm especially,[1] the banana, the bamboo, the bombax, are all called into requisition for the manufacture of fibres for native garments, mats, fishing nets, animal traps, belts, caps, basket making, native twine.

The oil palm is a supplier of a hundred-and-one articles of daily use: oil for cooking, for anointing the body (mainly for purposes of health and cleanliness and protection against stings of insects) dressing the hair, lighting purposes (the internal trade in palm oil has of course always been very large). It is also used medicinally; for soap; for mixing with camwood powder. Various parts of the tree are used for garments (as above stated); for caulking canoes and so on.

The camwood tree is used for its powder, for the purpose of rubbing into the skin; for religious ceremonies; burial rites, etc., etc. STANLEY was immensely struck with the enormous quantities of this powder used in the interior trade.

Hard-woods of a number of kinds all well-known to the natives, are used for canoe making;[2] the handles of agricultural implements, and spears and knives; beds, stools, pillows; paddles.

---

1 This is also used for roofing purposes.

2 There used to be a large trade in canoes, now it is extinct, and nearly all the large canoes have disappeared with the extirpation of the trade in live-stock for which they were largely used.

The land outside the plantations also furnishes copper and iron for smelting purposes : for weapons of the war and chase. All the Congo races have been workers in iron and copper for centuries : some of their weapons (for instance, the Kasai battle axes) are models of careful workmanship and artistic sense—or used to be.

The forest furnishes a number of plants, all well-known to the natives and distinguished by name, for their medicinal properties.

For the manufacture of salt, plaintain skins and the roots of a number of herbaceous water plants are utilised.

The product of the chase not only gives food, but the skins of slain beasts are utilised for a variety of purposes, such as belts, slings and sheaths for knives, cases for arrows, shields, etc.

Copal and other resins are used for lighting purposes.

In short, free access to his land, whether cultivated or uncultivated, is, for the native, an absolute necessity of life.

Cut off from it, he dies.

CONCLUSION.

I am sensible of having made great demands upon the patience of H.M. Government.

Yet, I venture to hope that the information here collected may be of some utility to H.M. Government in their efforts to save a great part of the African tropics, and the races inhabiting it, from the destruction which threatens them, and which has, in part, been accomplished already.

I would, in conclusion, respectfully urge that as the terrible evils which have fallen upon the races of the Congo—committed by Great Britain and other Powers, "in the name of Almighty God," to the trusteeship of the present Ruler of the Belgian nation—have their exclusive origin in the exercise of a specific claim, so these evils cannot be redressed unless that specific claim ceases to be exercised by the Belgian Government, or by whatever governing power may be in control of the Congo.

I make bold to have shown that that claim is untenable in Law or in Justice, whether it be examined from the point of view of the Treaties concluded by the Agents of the International African Association (afterwards the "Congo Free State") with the Native Rulers of the Congo, and on the strength of which the Association secured the separate and collective recognition of the Great Powers; from the point of view of the objects of the Great Powers in separately and collectively recognising the Association, as recorded in the Protocols and in the Act of the Berlin Conference, and in the Treaties severally negotiated; from the point of view of the public acts, pledges and professions of the International Association, and of the "Congo Free State," up to the issue of the Edicts of 1891-2; from the point of view of native rights in land and in the produce of the land as historically recorded in these pages; from the point of view of civilised usage in the treatment of native races; from the point of view of elementary morality.

I would venture, finally, to express the earnest hope that H.M. Government while refusing to allow the exercise of this claim to interfere in any respect whatsoever with the rights or safety of British subjects, white or coloured, throughout the Congo territory, and adjacent British possessions, while declining to recognise as internationally valid the act of transfer of the Congo territory to Belgium so long as this claim is persisted in by the Belgian Government, and while endeavouring, in so far as their Treaty rights permit, to circumscribe and limit the effects of the exercise of this claim on the Congo; will see in its perpetuation by the Belgian Government, a danger so far-reaching to peace and good government in Africa and a scandal so great as to justify on their part something more than a negative disapproval, and to warrant them in using, to the fullest extent in their power, the influence and the prestige of this Empire in the council of the nations, with a view to its condemnation and removal.

E. D. MOREL.

UC SOUTHERN REGIONAL LIBRARY FACILITY
A 000 130 522 6

Specially
Designed &
Printed by
Edward Hughes
& Co
Well Court
London
E.C.